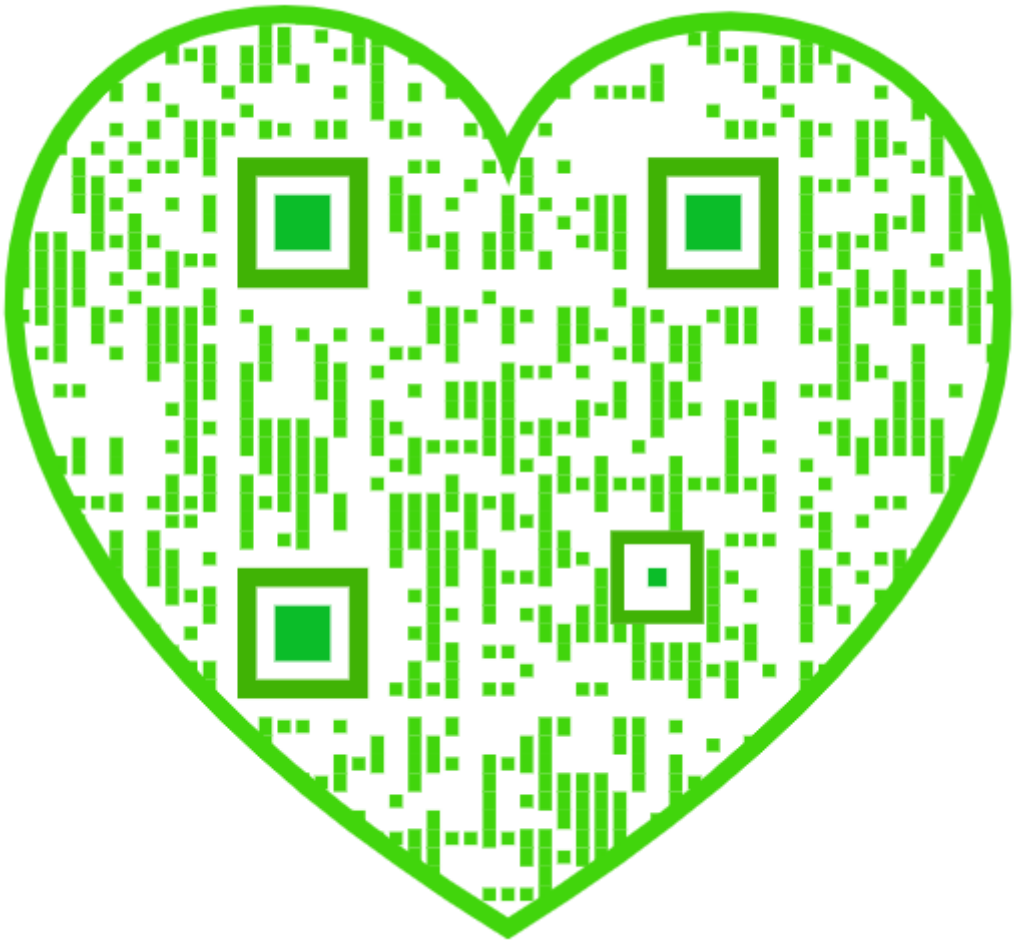

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POLITICS AND RELIGION IN THE DAYS OF AUGUSTINE

BY

EDWARD FRANK HUMPHREY, A. M.

Instructor in History in Columbia University

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SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

NEW YORK
1912

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PREFACE

THE following essay on *Politics and Religion in the Days of Augustine* takes up the story of the religious conflict in the Roman world from the year 395, the date of the death of Theodosius, and carries the narrative down to 430, the date of the death of Augustine. It covers the period during which Augustine, as an official of the African Church, was a participant in the struggle, and since Augustine in this capacity came to dominate the situation, his official career marks a distinct period. The earlier activities of Augustine naturally do not come within the scope of this survey, nor does it include any detailed examination of his position as a theologian. As far as possible, the author has confined himself to the distinctly historical aspects of the struggle through which the West became Christian and orthodox, and has presented this historical survey, for the most part, in the words of the original documents themselves.

The author wishes to emphasize his deep sense of obligation to Professor James T. Shotwell, of Columbia University. It was in his seminar on "Paganism and Christianity" that plans were developed for a series of studies to treat of the conflict of religions fully and impartially in the light of all the available documentary evidence. These ideals have been kept constantly in mind by the author in preparing this essay. Thanks are also due Professor Munroe Smith, of Columbia University, for his valuable suggestions. The writer wishes to acknowledge a debt of gratitude to Professor Carlton Huntley Hayes, of Colum-

bia University, for the hours spent in the revision and correction of manuscript. The efficiency of the librarians of the *Bibliothèque Nationale,* the *Bibliothèque de la Sorbonne* and of the Columbia University Library have greatly aided in hastening the completion of the work.

E. F. H.

COLUMBIA UNIVERSITY, NEW YORK, MARCH, 1912.

INTRODUCTION

THIS study is intended to show the extent and character of the religious struggle between Christians and pagans and between heretics and the orthodox in the late fourth and early fifth centuries—those eventful years during which the Roman Empire was, for the first time, facing genuine barbarian invasion. In the eyes of most historians, until very recently, the thing of supreme importance during this period is the "Germanic Invasion". This has naturally been the dominant view of German scholarship, and the influence of Gibbon has emphasized it to a similar degree with the English-speaking people. The modern Germans have been, however, chiefly interested in the emergence of the "Teuton"—whoever he may be—upon the scene, while the English have centered their attention rather upon the antique culture and its disappearance. But the protest of Fustel de Coulanges against the assumptions of Teutonism and his destructive criticism, as a sort of scholarly *revanche,* robbed the imperialist Germans of much of their historic ancestry, and at the same time called attention to other interests of the time. He pointed out that although the Romans themselves seemed fairly insensible of the gradual transformation of their empire into Germanic kingdoms, on the contrary they were much wrought up over the struggles of religion.[1] More recently,

[1] Fustel de Coulanges, *Histoire des institutions politiques,* vol. i, bk. 3. L'Invasion germanique (Paris, 1875), p. 354. Mais il y eut alors dans Rome même, une series de querelles que les chroniqueurs ne racontent pas et dont ils laissent seulement voir le charactère général. La societé

Dill has shown how little disturbed were Roman men of culture at the intrusion of those barbarians [1] who for years had been their companions in arms and whose sack of Rome itself did not lessen confidence in the eternity of their city. This newer estimate of the sources of the history of the "Decline and Fall", which has been presented in a detailed study by Professor Carlton Huntley Hayes,[2] has at the same time thrown the emphasis again upon the conflict of religions. It was perhaps as important for Europe and the world that the orthodox Christian religion should triumph over both pagan and heretic, as it was that antique culture should be entrusted to the slight mercy of barbarians of more or less Germanic origin. In any case, that was the struggle which absorbed the interest of the best intellects of the day, and to that, not merely as a chapter of Church history, but as an epoch in the social and political history of Europe this study is directed.

The sources are, naturally, much more abundant for this subject than for the invasions, simply because men were more interested in it, at least the men who left the sources of history. The value of these sources is, however, not easy to estimate; and definite details are often unrecorded. One may say that, as a whole, they are scanty for Rome itself, previous to its threatened destruction by Alaric, while they are abundant for Africa and the East. But the history of the East is extremely complicated by reason of the variety of its heresies, religions and civilizations. Africa, on the other hand, the residence of the greatest of

Italienne etait alors divisée entre le parti païen et le parti chrétien; car dans ces temps où les historiens modernes ont cru voir une lutte de races, les hommes étaient surtout occupés d'une grande lutte religieuse.

[1] Samuel Dill, *Roman Society in the Last Century of the Western Empire* (London, 1908).

[2] C. H. Hayes, *An Introduction to the Sources Relating to the Germanic Invasions* (New York, 1909).

the Fathers, Augustine—Africa which in the time of Augustine absorbed the thought and direction of Christendom —offers a much more suitable field for research. This study, therefore, is centered around the career of Augustine. During his lifetime took place that rapid development by which Christianity emerged from dependence on an all-powerful emperor, Theodosius, into an aggressively militant supremacy dependent on its own political leaders. This movement Augustine dominated both religiously and politically. Indeed his doctrines, formulated under the stress of active contest, eventually prevailed throughout the Christian world.

CHAPTER I

The Situation in the Year 395

I

As we are to trace the interaction of the political and religious elements in the struggle which finally resulted in the triumph of orthodoxy, the destruction of paganism and the subjugation of heresy, it will be well in the beginning to outline briefly the political situation.

The year 395 which marks the change from the strong rule of Theodosius to that of his weak successors, Arcadius and Honorius, is the beginning of this conflict. Theodosius, after sixteen years of almost continuous struggle with barbarians, usurpers, heretics, orthodox and pagans, had in that year at last been able to master all factions. This was a difficult task in so vast an empire, composed as it was of many parties. The higher officials were ever anxious for more power; the populace was resentful of its financial burdens; barbarians were restless within and without the empire; religious foes, orthodox and heterodox of all descriptions, were ready to war against each other or to rebel against the emperor whenever there was the least indication that they might thereby gain strength. To preserve power among so many factions required a strong hand; to balance the contending forces required good judgment. Theodosius had power equal to that task. He had won the orthodox Christians by submitting himself to baptism (380),[1] by listening to the advice of their

[1] Zosimus, *Historia nova*, ed. L. Mendelssohn (Leipzig, 1887), iv, 29.

leader Ambrose, and by submitting to him in matters relating to the cult. Then too, by a series of laws he had confirmed the Christian party in numerous privileges and had recognized Athanasian Christianity as the religion of the state.[1] At the same time he had checked Christian arrogance and conserved pagan support by retaining officials of the pagan party to oversee the execution of the laws,[2] he had also respected pagan buildings and games.[3] He had reduced the barbarians to order by admitting them into the empire, by enrolling them in the army and by accepting their leaders as members of his official household. Any defection at any time by any faction or leader had been immediately and drastically punished. So thoroughly had he overcome all opposition that the Latin poet Claudian might well predict a most prosperous consulate for the youthful representative of the great Anician family.[4] Claudian was undoubtedly seeking a powerful patron for his literary genius, yet his prediction had a sound basis. The pagan revolt of Eugenius and Abrogastes had just ended with the battle of Frigidus, September 5, 6, 394.[5]

Libanius, Eunapius and Symmachus, recognize that during the early years of Theodosius' reign there was complete freedom for the pagans.

[1] *Codex Theodosianus*, xvi, 5, 5, (379); xvi, 2, 25, (380); xvi, 2, 26, (381); xvi, 2, 27, (390); xvi, 2, 28, (390); xvi, 1, 2, (380).

[2] Symmachus, Cons., 391. Flavianus, Prefect of It., 391. Richomer, Cons., 384.

[3] *Corpus Inscriptionum Latinarum*, ed. Mommsen (Berlin, 1893), vi, 512.

[4] Claudian, *Panegyricus dictus Probino et Olybrio*, ed. Birt, *M. G. H. Auct. Antiq.*, vol. x (Berlin, 1892). Jerome, *Ep.*, 130, 7. (Ammianus Marcellinus, *Rerum gestarum libri*, ed. Gardthausen (Leipsic, 1874-5), xxvii, 11, declares that it is not for us to decide whether the wealth of the family was acquired justly or not.)

[5] The treatment of this battle by our sources illustrates the change which was taking place between pagan and Christian history. Claudian, iii, *De Consulatu Honorii*, 98, mentions a storm at the time of the battle.

when Eugenius had sued for pardon and Abrogastes had committed suicide, *more majorum*. The Roman empire had shown that it possessed an emperor who could in reality rule the whole empire. To add to the security of the situation the church of the orthodox was under the careful guidance of Ambrose; the pagans were directed by the judicious Symmachus; while the Anician family in possession of the consulate represented both of these elements. Power was well balanced. It was the unexpected death of Theodosius on January 17, 395, that removed the strong hand and freed the factions from control. The consulship of Olybrius and Probinus was not to be one of peace and prosperity; on the contrary, it marked a change of leaders and the beginning of a strife for power which did much to hasten the dissolution of the empire. Never

So church historians—Socrates, *Historia Ecclesiastica* (Oxford, 1853), v, 25; Sozomen, *Historia Ecclesiastica* (Oxford, 1860), vii, 24; and Theodoret, *Historia Ecclesiastica* (Oxford, 1854), v, 24—ascribe the victory to the miraculous aid of God. *The Cambridge Mediæval History* (N. Y., 1911), vol. i, p. 247, follows the church historians: "Theodosius called God and Heaven answered."

[1] The death of Theodosius affords a good example of the reliability of our sources. The Christian authorities would have us believe that this great defender of the faith died at a ripe old age, worn out by his efforts. Soc., *op. cit.*, v, 26; Soz., *op. cit.*, viii, 1. Theophanes and Kedrenos give his age as sixty. The Paschal Chronicle gives sixty-five. Socrates ascribes his death to anxiety brought on by the fatigues of war. Hydatius' Chronicle mentions dropsy. But we know from more reliable, though pagan, sources that he died before he was fifty-five Aurelius Victor, a contemporary (*Epitome*, 48, *Theodosius*) gives fifty. Ammianus Marcellinus confirms this (*op. cit.*, xxix, 6, 15) when he speaks of Theodosius as still being a youth in the year 375. Philostorgius the Arian, *Ecclesiasticae Historiae Libri septem* (Paris, 1673), xi, 2, asserts that Theodosius died as the result of sloth and intemperance. The Paschal Chronicle had the wrong year, 394. And Zos. (*op. cit.*, iv, 59, 6) incorrectly locates the death on his journey to Constantinople. He was buried there Nov. 8, 395. Soc., *op. cit.*, vi, 1, Hydatius Chronicle.

again could ambitious leaders argue calmly and judiciously as had Ambrose and Symmachus in their recent dispute over the Altar of Victory. Instead they took advantage of racial and religious differences to bring on actual conflicts. The struggle was one which was to end only with the triumph of orthodoxy.

As successors Theodosius left two sons, Arcadius and Honorius, neither of whom possessed the experience or ability necessary to control the difficult situation. The elder, Arcadius, was eighteen [1] and had held the title of Augustus since 383.[2] But whatever experience this office had given would not compensate for his total lack of ability; none of the sources [3] credit him with competency. When Theodosius had realized that his end was approaching, he had summoned his younger son, Honorius, from Constantinople [4] under the escort of Serena, the wife of Stilicho, and invested him with the purple,[5] though he was not yet eleven.[6] But responsibility and power were not to be thrust upon a lad whose docile Christian character seems to have been accompanied by a lack of manly force.[7]

The real rulers were not these weak and irresponsible

[1] According to Socrates, *op. cit.*, vi, 23.

[2] *Cf.* G. Rauschen, *Jahrbücher der christlichen Kirche unter dem Kaiser Theodosius dem Grossen* (Freiburg, 1897), 383, p. 146, note 2.

[3] Philostorgius, *op. cit.*, xi, 3; Zos., *op. cit.*, v, 8; v, 14; Synesius, *De Regno* (*Migne, P. G.*, 66); Soc., *op. cit.* vi, 23; Theod., *op. cit.*, v, 25; Jerome, *Epistles*, English Translation in Nicene and Post-Nicene Fathers, 2d series, vol. vi (N. Y., 1893), *Ep.*, 123, 17.

[4] Claudian, iii, *Cons. Hon.*, 109 *et seq.*; vi, *Cons. Hon.*, 92 *et seq.*

[5] Ambrose, *De obitu Theodosii.*

[6] Born Sept. 9, 384, at Constantinople; *cf.* Rauschen, *op. cit.*, p. 146.

[7] Theod., *op. cit.*, v, 25; Orosius, *Historiae adversus paganos libri septem*, M. P. L. 31 (Paris, 1846), vii, 37; Jerome, *Ep.*, 123, 17; Claudian, *De Nuptiis Hon. et Mariae*; Zos., *op. cit.*, v, 28; Procopius, *De Bello Gothico*, i and ii.

boys, but the powerful ministers, Rufinus and Stilicho, to whom Theodosius himself had entrusted much of the government of the East and West. Stilicho had already been placed in command of the cavalry and infantry in the West, and Rufinus praetorian prefect in the East; and thus by the inevitable logic of events the removal of Theodosius left them rivals for the larger prize of imperial control. Already jealous of each other,[1] at the death of Theodosius they were immediately forced to seek the support of various factions in order to secure their power.

Flavius Rufinus, who owing to his mistaken policy was to control the East for but a short period, was born in Elusa in Aquitania—if we may trust this much of Claudian's account of him.[2] Just when or where he entered the imperial services is uncertain.[3] By 390[4] he was master of the offices and in 392 he became praetorian prefect and chief minister to Theodosius. Philostorgius[5] describes his robust and commanding appearance, his fierceness of eye and grace of speech. He possessed an insatiable desire for gold,[6] to gain which he sold offices indiscriminately. He was able to win power though not to preserve it.

Stilicho, whose policies were to guide the empire in the West for the next thirteen years, was of Vandal origin.[7]

[1] Claudian, *In Rufinum*, i, 297 *et seq.*

[2] *Ibid.*, i, 137, written 395 or 396.

[3] Symmachus, *Aurelli Symmachi quae supersunt ed.* O. Seeck. M. G. H., *Auct. Antiq.*, vol. vi (Berlin, 1883), *Ep.*, iii, 81-9, would indicate that his earliest service was at Rome. Seeck, *Proleg.*, 139, thinks the date was 382; Claudian, *In Rufinum*, i, 171 *et seq.*, seems to indicate Constantinople.

[4] *Cod. Theod.*, x, 22, 3.

[5] Philostorgius, *op. cit.*, xi, 3; confirmed by Eunapius, *Fragmenta Historicorum Graecorum*, ed. Müller, 1868, *Fr.* 63, vol. iv, p. 42.

[6] Zos., *op. cit.*, v, 1; Eunapius, *op. cit.*; Claudian, *In Ruf.*, i, 187; Jerome, *Ep.*, 60, 16.

[7] Orosius, *op. cit.*, vii, 38.

In 384 we find him in the imperial service undertaking an embassy to Babylon. He was married to Serena, the niece of Theodosius, and successively filled the offices of count of the royal cavalry,[1] count of the home horse and foot soldiery, commander of the army in Thrace 385,[2] and commander in chief 393.[3] Were it not for the Theodosian Code it would be very difficult to estimate the nature of his administration. With Claudian [4] he is the paragon of virtues, in every way the savior of Rome. But we realize that Stilicho was Claudian's patron, and such lavish praise may have an economic interpretation. Olympiodorus, in a description which Zosimus has preserved,[5] tells us that Stilicho was the most moderate and just of all men who possessed great authority in his time; and, although a relative of Theodosius, he never conferred military rank for money during his twenty-three years of power, nor converted the stipends of the soldiers to his own use. Eunapius of Sardis,[6] who as a contemporary looked with disfavor on Stilicho's apparent irresolution, classes Stilicho as equally guilty with Rufinus of confiscations and bribery. But inasmuch as Eunapius exhibits a tendency to credit all current evil rumors regarding the characters he is describing, and as he was living in the East, where naturally Stilicho was very much in disfavor, we are disinclined to accept his estimate in this case. Our only sure guide to

[1] Claudian, *Laus Serenae*, 190.

[2] *C. I. L.*, vi, 1730, 1734; ix, 4051.

[3] *Cod. Theod.*, vii, 4, 18; vii, 9, 3; Zos., *op. cit.*, v, 34.

[4] Claudian, *De Consulatu Stilichonis.*

[5] Zos., *op. cit.*, v, 34. For this period Zosimus relies on Olympiodorus and Eunapius, from whom he extracts without an acknowledgment of his source. Unfortunately the present instance is not the only one where Zosimus quotes two mutually contradictory sources for the same historic fact.

[6] Zos., *op. cit.*, v, 1.

the character of his administration is the laws passed during it, and the total impression which they leave is that his policy was tolerant, just and efficient.[1]

The inevitable struggle between Rufinus and Stilicho broke out at once. Technically this struggle was based on Stilicho's assertion that Theodosius had bequeathed to him the guardianship of both princes and that this consequently entailed the supervision of the whole empire. Opinions which have reached us as to the validity of this claim are numerous and varied. Claudian, always pro-Stilicho, affirms it often and emphatically.[2] Nevertheless he shows no positive proof for it and he admits that there were no witnesses to the bequest.[3] Claudian's unsupported evidence is not of much value; but Ambrose, who as a friend of Rufinus[4] ought to be just to him, states Stilicho's claims in much the same manner as Claudian. Ambrose, who was present at the death of Theodosius, asserted in the funeral oration[5] delivered forty days later at Milan,

[1] *Cf. infra*, p. 47 *et seq.* for those on toleration and conciliation. He took an interest in the corporations and curiales, *Cod. Theod.*, xii, 1, 142, 143, 144, 146; xii, 19, 1, 2, 3; the post, viii, 5, 53-55; corn-supplies, xiv, 15, 4 and 5; xiv, 19, 1.

[2] Claudian, *In Ruf.*, ii, 5-6; iii, *Cons. Hon.*, 143 *et seq.*; iv, *Cons. Hon.*, 433.

[3] Claudian, iii, *Cons. Hon.*, 142; Cunctos discedere . . . jubet.

[4] Ambrose, *Ep.*, 52.

[5] Ambrose, *de Obitu Theod.* "De filiis enim nihil habebat novum quod conderet . . . nisi ut eos praesenti commendavit parenti." Richter, *De Stilichone*, 24, 25, stamps this scene as a device; also Birt, *op. cit., Prol.* 28; and Koch, *Stilicho und die Ereignisse der Jahr 395-398*, in *Rhein. Mus.*, xliv, 591. Richter holds that Honorius and Ambrose say this in order to strengthen the Emperor's confidence in Stilicho. Birt supposes that the Emperor had charged Stilicho not to undertake hostilities against the East and that Stilicho's claim to supremacy was not made until after the death of Rufinus. Rauschen, *op. cit.*, 446, raises the question as to whether a personal rather than a political guardianship was not intended.

in the presence of the court and the army, that Theodosius had commended both princes to Stilicho. Olympiodorus,[1] the Greek historian of Thebes, confirms Claudian and Ambrose. The vagueness of the commendation, however, seems but a slight basis for a claim to dominion over the entire Roman empire. The contemporary Eunapius[2] uses the same term for Rufinus and Stilicho—both were guardians, *tutores*. Authorities who oppose Stilicho are apt to quote Zosimus in support of their position, apparently not realizing that his work is of little value in itself; that it was not compiled until the last half of the fifth century; and that, while in the extracts from Eunapius[3] he opposes Stilicho's claim, when he quotes Olympiodorus he favors it.[4] Orosius,[5] who wrote in the year 417, and whose authorities are unknown to us, speaks of the power of both as equal. In any case Stilicho advanced his pretention to the guardianship of the whole empire, and this was a sufficient pretext for an almost inevitable struggle. Once the pretext, or justification, was found, it was easy to force on the conflict. There were not only religious enmities, hostile sects, creeds and religions to draw upon, but the empire contained, as well, unassimilated hordes of barbarian soldiery, ready for an enterprise and eager for plunder.

Early in the year the Goths were restless. The sources

[1] Olympiodorus of Thebes, Müller, *op. cit.*, iv, 58; Photius, *Bib. Cod.*, 80. "Narrat itaque Stilichonem ad magnam pervenisse potentiam, quum eum Theodosius Magnus parens ipse suis liberis Arcadio adque Honorio, tutorem imposuisset" (395). This work covers the years 407-426.

[2] Eunapius, *op. cit., Frag.*, 63, vol. iv; Müller, "Hic Autem et Stilicho erant tutores filiorum Theodosii."

[3] Zos., *op. cit.*, iv, 57; iv, 59.

[4] Zos., *op. cit.*, v, 4; "Quippe dicebat ab Theodosio morituo sibi datum in mandatis ut omni cura principem utrumque complecteretur."

[5] Orosius, *op. cit.*, vii, 37, 1.

are confused as to the reason for this. Claudian[1] quite naturally charges it to the account of Rufinus, but this charge would not count for much if it were unsupported. Zosimus[2] says that Rufinus incited the rebellion knowing that Alaric was disgruntled at not having received a military command—*magister militum*—similar to that granted to Gainas, who commanded the Goths at Frigidus. Jordanes, writing very much later, in the reign of Justinian, and relying on Cassiodorus as his source,[3] assigns as the cause the refusal of the customary subsidies. We know that Rufinus had been disappointed in his plan for marrying his daughter to the emperor, that the troops of the empire were in the West with his rival Stilicho, and that at home he was surrounded by such enemies as invariably are made by a policy of religious intolerance and political despotism. It seems probable that, as one of the means for supporting his cause, he tried to take advantage of the restlessness of the barbarians, which Eunapius shows[4] existed even before the death of Theodosius. In February or March the Goths chose Alaric as leader and began their incursion into the East. We have no reliable account of their movements. According to Claudian,[5] our sole au-

[1] Claudian, *In Ruf.*, ii, 22; Rauschen, *op. cit.*, p. 435, considers Claudian's charge as ill-bred slander; Tillemont, *Histoire des Empereurs* (Paris, 1690-1738), v, 426, credits Claudian.

[2] Zos., *op. cit.*, v, 5.

[3] Jordanes, *De rebus Geticis*, ed. Mommsen in M. G. H., *Auct. Antiq.*, v (Berlin, 1882), xxix, 146.

[4] Eunapius, *op. cit.*, vol. iv, *Frag.* 60. See Zos., *op. cit.*, iv, 56; Güldenpenning, A., *Geschichte des oströmischen Reichs* (Halle, 1885), p. 2, connects the uprising with Theodosius' death, "Der Tod dieses weit auch unter den Barbaren gefürchteten Gegners andererseits das Signal zu Aufständen im Innern wie zu Einbrüchen von aussen geworden ist."

[5] Claudian, *In Ruf.*, ii, 30 to 100.

thority, Cappadocia and the basin of the Halys were ravaged and all Cilicia overrun. Syria was invaded and the land between the Adriatic and the Euxine was devastated. Thessaly, Pannonia, Mysia and Thrace having been laid waste, Alaric approached Constantinople, and devastated the surrounding country, Rufinus' estate alone excepted. Then Rufinus put on the Gothic costume and went to Alaric's camp. And after their interview Alaric withdrew westward to Macedonia and Greece.

At this same time the Huns were invading the East. Jerome [1] tells us that numerous monasteries were sacked, that rivers of blood were shed, that Antioch was besieged and the cities on the Halys, Cydnus, Orontus and the Euphrates invested, that troops of captives were taken in Arabia, Phoenicia, Palestine and Arabia. He also complains [2] of the absence of the Roman army, detained in the West by civil war. Rufinus has been made responsible by Sozomen [3] for all these disasters. Claudian [4] and Orosius [5] accuse him of having invited barbarians into the empire, not distinguishing between Huns and Goths. Sozomen, writing about 454, definitely charges him with bringing in the Huns. There is evidence that Rufinus did try to support himself by the barbarian forces at hand.

Early in the year 395 Stilicho crossed the Alps, conducted a short campaign, and concluded with the Franks and the Alemanni a peace which was to last for a hundred years. Having collected troops he started East. He crossed the Alps,[6] marched through Pannonia into Thes-

[1] Jerome, *Ep.* 60, *De Nepotiano,* written 396.

[2] Jerome, *Ep.* 77, *Ad Oceanum.*

[3] Soz., *op. cit.,* viii, 1.

[4] Claudian, *In Ruf.,* ii, 22 *et seq.*

[5] Orosius, *op. cit.,* vii, 37.

[6] Claudian, *In Ruf.,* ii, 124.

saly and prepared to battle with the insurgent Goths.[1] In the meantime Rufinus, greatly frightened at the approach of his rival, persuaded Arcadius to sign [2] the order commanding Stilicho to evacuate Greece and to send the eastern legions back to Constantinople. Stilicho's action casts significant light upon the theory of the unity of the empire. He complied with the emperor's command [3] and returned to Italy. The eastern troops under the command of Gainas, a Goth, marched to Constantinople, but on the way formed a plot against Rufinus. When the Emperor and his praetorian prefect rode forth to review the army, Rufinus was surrounded and killed, November 27th, 395.[4] Claudian's poem, as a whole, implies that Stilicho was accessory to this plot, and Zosimus [5] states it, though the evidence is so slight and contradictory [6] as to be of little real value. Stilicho's recall had left Alaric free to ravage Greece. Claudian's interest in Greece ceases after Stilicho had left it, and so, for Alaric's campaign until the return of Stilicho, we are forced to rely mainly on Zosimus, who strangely confuses Stilicho's first and second expeditions. From him we learn that Gerontius commanded the pass of Thermopylae, a post given him by Rufinus.[7] After a feeble resistance in

[1] Claudian, *In Ruf.*, ii, 171.

[2] *Ibid.*, ii, 144-168.

[3] *Ibid.*, ii, 217; Zos., *op. cit.*, v, 7. That the Empire was still regarded as a unit is shown by the fact that the edicts of the emperors are still issued in the name of both emperors.

[4] Claudian, *In Ruf.*, ii, 400-427; Soc., *op. cit.*, vi, 1, for date. *Chron. Paschale.*

[5] Zos., *op. cit.*, v, 7, 8. Rauschen, *op. cit.*, p. 442, does not credit this.

[6] Claudian, *de Cons. St.*, ii, 212. Claudian never mentions Gainas, and in places seems to imply that the uprising was spontaneous on the part of the soldiers.

[7] Zos., *op. cit.*, v, 5; *cf.* Eunapius, *Vita Maximi.*

the pass, the barbarians devastated Boeotia, slight opposition being offered by the Proconsul Antiochus, another of Rufinus' appointees. Perhaps the presence of the Huns in the East prevented the sending of troops to reinforce these officials. Boeotia and Central Greece were laid waste. Thebes escaped, thanks to its walls and the hurry of the Goths to reach Athens. From Athens Alaric passed on into the Peloponnesus and took Corinth, Argos and Sparta.[1]

Stilicho seems to have made a second expedition into Greece in 396.[2] Just why he should return is difficult to determine. The sources for this campaign are so confused as to be almost unintelligible. The date even of the expedition may be argued as 395, 396 or 397. But from the general sequence in Claudian, supported by Jerome,[3] who locates the Goths in Greece in 396, the weight of evidence is for 396. Stilicho seems to have gained a victory,[4] but again the barbarians escaped. This may have been due to another command from Arcadius, or to a treaty public or private, or to the conduct of Stilicho, who, as Zosimus claims, gave himself up to luxury and indulgence while his soldiers turned to free-booting expeditions, or—were we to accept the year 397—to the uprising of Gildo. In any case, Stilicho left Greece a second time with Alaric there. At this point an event in Africa—the revolt of Gildo—adds a new element to the already complex situation, and shifts the center of our interests.[5] Such, in hurried outline, was the general situation in 395. Let us now glance at the character of our most important sources.

[1] Zos., *op. cit.*, v, 6; Claudian, *In Ruf.*, ii, 179-191; *de Bello Gothico*, 180-193.

[2] Zos., *op. cit.*, v, 7. He confuses the two expeditions.

[3] Jerome, *Ep.* 60.

[4] Claudian, iv, *Cons. Hon.*, 461-483.

[5] *Cf. infra*, Chap. 3.

II

Religious history is much less definite than political history. In the place of events, movements of men, and descriptions of states, it gives us beliefs, theological discussions—intangible and elusive phenomena of thought. Its sources are hard to estimate. It is not easy to extract from treatises on dogma or narrow partisan accounts the real story of religious conflicts. Difficult as this is when the struggle is directly between two religions or between a religion and a government, it becomes doubly so when we have such a complexity of religious struggles as existed in the period under review.

Our sources are fairly numerous but quite biased. Yet they would be at once more numerous and less one-sided had it not been for the triumph of the one orthodox party, which brought with it the suppression of all the literature of the opposition and the destruction of most of that already existing. That pagan literature was no longer being produced was, however, no sure sign that the pagan spirit was suppressed;—an abolition of external rites by no means necessarily entailed a renunciation of beliefs on the part of the persecuted.

The histories of the contemporary pagan, Eunapius of Sardis, which covered the years 268-404, would be of greatest value to us for the years just previous to 404; but, unfortunately they are preserved only in the merest fragments. Another pagan, Olympiodorus, wrote twenty-two books of history as a continuation of Eunapius. They covered the twenty years on contemporaneous history from 407 to 427. This work too is lost—all except fragments which are preserved in Photius, and the ideas it gave to the later historians, Sozomen, Socrates and Zosimus. Arian history suffered the same fate as pagan history.[1]

[1] We have an edict commanding heretical literature to be burned,

Philostorgius' (fl. 380-412) defense of the Eunomians and Arians, were it preserved, would throw much light on the story of that heresy. As it is, only the merest fragments exist in Photius who says: "*Ceterum haec historia encomium quidem est haereticorum: orthodoxorum autem criminatio atque vituperatio potius quam historia.*". So the source-material for but one side of our story remains; whatever was written for the oposition was destroyed. However, the greater part of its story was never written. It would not have been advisable to do so in the days when orthodoxy was triumphant. Augustine, in his *City of God,*[1] warns his opponents to be careful how they attempt to reply. So we are forced to rely almost wholly on the victors themselves for the account of how this success was attained, and naturally these same victors are more interested in showing the glory of the truths which prevailed than they are in setting forth the possibly questionable means by which they were sometimes brought to triumph.

Strangely enough in this surcharged atmosphere we have one cool-headed writer—and he is the main source for the period of Stilicho's rule. Claudius Claudianus did not enter the lists as pagan, heretic or orthodox; and as a result he seems to have been misunderstood—at least by the orthodox—and so to have become a puzzle to all subsequent historians. We know little of his life. Born probably in Egypt,[2] he came to Rome before 395,[3] and there

Cod. Theod., xvi, 5, 34 (398): "We command that their books, which contain the substance of criminal teachings, be sought out with the utmost care and burnt before the eyes of the magistrates."

[1] Aug., *City of God,* v, 26.

[2] Claudian, *Carmina Minora,* 19, 3; 22, 56 and 59; 21, 4; 22, 20; Sidonius Apollinaris (Leipsic, 1895), ix, 275. His father may have been the Claudianus, brother of Maximus, Julian's teacher, mentioned by Eunapius. *Vit. Soph.*, acc. to Birt, *op. cit., Introd.*, p. 6.

[3] Prosper, *Chron.*, 395.

began to write Latin verse.[1] His object was to win the support of a wealthy and powerful patron. As we have seen, he made advances to the consuls elect, Probinus and Olybrius of the great Anician house.[2] Not receiving recognition from them, he turned first to Rufinus Synesius Hadrianus, count of the sacred largesses in 395, master of the offices 400-405 and praetorian prefect of Italy 413-416; then to Florentinus; and finally to Stilicho. Probinus and Olybrius apparently did not recognize his value as a literary agent[3] and did not respond to the panegyric of 394. An unfortunate remark[4] caused a violent breach with Hadrianus, and Claudian's ruin was prevented only by an apology.[5] By 397 he seems to have been in full favor with Stilicho,[6] and thereafter all his energies are devoted to the praise of that general. He himself tells us that he was absent from Rome 395 to 400.[7] His first post[8] entitled him to wear a girdle as a member in the *militia*. He was advanced to higher dignities, however, and from the statue erected to him at the command of the emperor and senate we learn that he was a tribune and notary.[9] His fortunes were also further improved by a suitable marriage with an African matron, who had been won through a letter of

[1] Claudian, *ad Prob.*, 13.

[2] Claudian, *Panegyricus dictus Probino et Olybrio Consulibus.*

[3] Claudian, *Ep. ad Prob.; ad Olybr.*

[4] Claudian, *Carm. Min.*, 21.

[5] Claudian, *Carm. Min.*, 22. From these two poems the legend has grown up of Claudian's vain appeal to his countryman, Hadrianus, after Stilicho's overthrow.

[6] Claudian, iii, *Consul. Hon.*

[7] Claudian, *Praef. Consul. Stil.*, iii.

[8] Claudian, *Ad Hadri*, v, 51, 52.

[9] C. I. L., vi, 1710; "C. Claudiano, viro clarissimo tribuno et notario."

introduction from Serena.[1] He disappears after 404, and Birt has concluded that that was the year of his death.[2]

In spite of the fact that Claudian's poems are chiefly panegyrical or invective, and therefore necessarily biased, they contain much reliable historical information. Claudian was a contemporary, holding office at the court and vitally interested in all that concerned Stilicho, the leading man of his day. He may have colored facts or omitted them, but inasmuch as he was writing for those as well informed as himself he was not at liberty to invent. All who have studied Claudian carefully agree that he is trustworthy along political lines. His religious position has caused historians much discussion. Yet it need not. In an atmosphere of pagans and Christians, orthodox and heretics, indifferents, irresolutes and cowards, Claudian's position was that of his master, Stilicho, and may be summed up in one word—toleration. He was of no sect: he was indifferent towards all religious questions. To his contemporary, Augustine—and no one of the time could have been better informed concerning the exact religious position of all men of note—Claudian was neither pagan nor Christian. For all adherents of the pagan religion Augustine uses the term *gentiles* or *pagani;* but Claudian he merely terms an "alien from the name of Christ." [3] This colorless attribute is borne out by the poems of Claudian themselves. Throughout his writings it is impossible to detect any religious leanings. As Roman poetry they are

[1] Claudian, *Carm. Min.*, 31.

[2] Birt, *op. cit.*, 59. It is rather a far stretch of historical imagination to conclude that his fall followed that of Stilicho in 408 owing to an epigram (no. 21) which had offended Hadrian. This is Dill's conclusion (*op. cit.*, p. 44).

[3] Augustine, *De Civitate Dei*, v, 26, "*A Christi nomine alienus.*"

naturally filled with a mass of pagan allusions, yet these are purely literary and need not imply that the author accepts or worships the gods mentioned. At the same time some of his poems have equally Christian allusions. He praises Venus, Mars, Jupiter, Dea Roma and Christ quite indiscriminately. At times in his allusions he seems to praise Christianity;[1] at other times to ridicule it.[2] In his use of sources, we find the same mingling of Christianity and Paganism: Horace, Virgil, Lucian, Ovid, Lucretius, Juvenal, Ambrose, Minucius Felix, Lactantius, Tertullian, Eusebius and the Bible.[3]

Such syncretistic tolerance naturally was less and less understood as the struggle developed, and one may see the process in his treatment by Orosius. Orosius's information was largely secondary and drawn from Augustine; but now Augustine's "alien from the name of Christ" becomes "a most obstinate pagan."[4] We naturally prefer to accept Augustine's characterization; and yet Claudian has come down through the ages branded as a "pernicious pagan," and with this modern writers are prone to agree.[5]

[1] Claudian, *Carmen Min.*, 32, *de Salvatore.*

[2] Claudian, *Carmen Min.*, 50 (Birt, *op. cit., Intro.* 64, note 2). "I pray you by the ashes of Paul, by the temple of old Peter, duke James, not to defame my verses. If you spare them, may Thomas protect you, Bartholomew be at your side in battles, the aid of the saints prevent the barbarians from passing the Alps and St. Susanna breath force to your heart." *Cf. In Eut.*, i, 316; ii, *Pref.*, 27.

[3] Birt, *op. cit.*, introduction; Glover, *Life and Letters in the Fourth Century* (Cambridge, 1901), 242.

[4] Paul Orosius, *op. cit.*, vii, 35. "*Poeta quidem eximius sed paganus pervicacissimus.*" Boissier, *La Fin du paganisme* (Paris, 1891), vol. 2, p. 281. "St. Augustine tells us that Claudian was pagan."

[5] Dill., *op. cit.*, p. 37; Gaston Boissier, *in loco*, ii, 281; Glover, *op. cit.*, 204; Tueffel-Schwabe, *History of Roman Literature* (London, 1900), p. 439. In studying Claudian for the religious question one must be on his guard as to the edition used. There are but two editions that con-

There remains the perplexing question how a pagan, so pernicious, could express the Christian sentiment of the poem *De Salvatore*. The incompatibility had led to the expurgation of Claudian to suit his pagan reputation. It was only in 1892 that Theodore Birt, in preparing an edition of Claudian for the *Monumenta Germaniae Historica*,[1] decided that the Christian element was genuine and restored it. To justify this, however, he swung to the other extreme and made Claudian out to be a Christian in all except baptism, urging for this other examples of Romans who deferred baptism until near the time of their death.[2] This certainly seems to be going too far. There is little evidence for such a claim. It would seem safer to take Claudian's works and Augustine's statement to indicate that he, like his great patron, was not concerned personally with religion. It is not possible to assign him to either party.

More positive light is thrown on the religious situation by the correspondence of Quintius Aurelius Symmachus (340-402 or 409), the leading pagan of the last half of the

tain all of his works, including those with a Christian bias; Theodore Birt, *op. cit.*, and J. Koch, *Teubner Classics* (Leipzig, 1895), which makes use of Birt's restorations. The editions of Pulmannus, Scaliger, Gesner, Konig and Jeep are expurgated.

[1] Birt, *op. cit., intro.*, p. 63; J. H. E. Crees, *Claudian as an Historical Authority* (Cambridge, 1908), follows Birt.

[2] Constantine long delayed his baptism and Valentinian died unbaptized. Theodosius lived many years an unbaptized Christian, and was baptized only when he feared that he would die. The great and wealthy Petronius Probus was baptized only at his death, 395. The gaining of this leader of the Anician family was a great step for the Christians. Jerome had previously gained the women of the family. They were the ones to oppose the restoration of Paganism in 409. So important was this conversion that St. Peter's at Rome has the sarcophagus of Petronius Probus preserved in the same chapel with a column from Solomon's Temple and Michael Angelo's Pietà.

fourth century. He was of a powerful family; his grandfather, Aurelius Julianus Symmachus, was consul in 330; his father, Lucius Aurelius Avianius, was prefect 364-5; he himself held the consulship in 391; his son became praetor in 397; his grandson was consul in 446 and his great-grandson was father-in-law to Boethius; finally his two great-great-grandsons were consuls in 522. Historically his nine hundred letters, his reports to the emperor and the fragments of his orations give us very little information.[1] This may be partly due to the fact that they were edited by his son, Fabius Symmachus, shortly after the father's death and possibly all dangerous political statements were removed. A more plausible explanation is that Symmachus was not a great statesman, and his chief interest was in keeping the populace suplied with corn and games. His letters are literary efforts devised on petty themes—introductions, congratulations, intercessions, appeals. The only time that he gives us real political history is in his letter to Stilicho regarding the revolt of Gildo. Even here his chief interest is in the food supply of Rome, perhaps strengthened by the fact that he had been proconsul of Africa at the time of the revolt of Firmus (373).

In the writings of Symmachus as in those of Claudian there are but few references to religion. He never mentions Christianity, while he discusses pagan practices only with leading pagans such as Praetextatus.[2] An occasional demand that an erring vestal virgin be surrendered to the pontifical college for punishment,[3] the record of the festival of Magna Mater,[4] or arrangements for the games,[5] is

[1] Seeck, *op. cit.*

[2] Symmachus, *Epp.*, i, 46, 47, 48, 51; *cf. Epp.*, ii, 36, 34, 53.

[3] *Ibid.*, ix, 147, 148.

[4] *Ibid.*, x, 3.

[5] *Ibid.*, v, 62; ix, 125.

all that he gives. In his plea for the restoration [1] of the altar of victory, he shows that he believes the position of the empire to be endangered by the neglect of the old religion; yet he is not a rude or fanatical antagonist of Christianity. A survey of his correspondence shows how the pagans and Christians of his times were living harmoniously side by side.

Eleven of his letters [2] were addressed to Praetextatus, one of the most learned theologians and most enthusiastic devotees in the ranks of the pagan nobles.[3] His monument and that of his wife show the extent to which a really religious pagan of the end of the fourth century might turn to every other phase of the religious faiths in the syncretistic Roman world, while avoiding Christianity. Praetextatus was augur, priest of Vesta, priest of the Sun, curial of Hercules, consecrated to Liber and the Eleusinian deities, neocorus, hierophant, *pater sacrorum* and *pater patrum,* cleansed by the rite of the taurobolium in the mysteries of Mithra. His wife, Fabia Aconia Paulina, had been through the Eleusinian mysteries and the taurobolium. She was a devotee to Bacchus, Ceres, Cora, and Liber, hierophantria and goddess of Hecate, and a priestess of Isis.[4] Praetextatus rose to power under the pagan emperor Julian,[5] at whose death he went into a fifteen years' political retirement. Theodosius in pursuing his policy of conciliating the pagan party drew him again

[1] Symmachus, *Relation,* 3.

[2] Symmachus, *Epp.,* i, 44-55.

[3] Jerome, *To Pammachius against John of Jerusalem,* 8. *"Miserabilis Praetextatus, homo sacrilegus et idolorum cultor"*; C. I. L., vi, 1779, 2145.

[4] C. I. L., vi, 1780.

[5] Amm. Marc., *op. cit.,* xxii, 7, 6; Zos., *op. cit.,* iv, 3; Seeck, *op. cit.,* lxxxviii.

into active service as praetorian prefect and he was consul elect when he died in 385.

A second of Symmachus' correspondents was his cousin Virius Nicomachus Flavianus (334-395)—of the Anician family and an earnest pagan.[1] He also came to political power under Julian [2] and as vicar of Africa under Gratian seems to have incurred a rebuke from the emperor for his leniency towards the heretics.[3] In 391 he was prefect of Italy under Theodosius. He took a prominent part in the revolt of Eugenius and Abrogastes and obtained for the pagans the restoration of the Altar of Victory and the endowments for the sacred colleges.[4] He ended his life at Frigidus.

In addition to these pagan correspondents—to whom must be added Richomer, the Frankish barbarian, who received fifteen letters [5]—Symmachus addressed a series of fourteen letters [6] to Stilicho whose religious policy of toleration we have already discussed. At the same time there were Christian correspondents, of whom the most eminent was Ambrose, bishop of Milan, his bitterest political and religious opponent, and yet a relative and friend. A letter [7]

[1] Seeck, *op. cit.*, cii; *Epp.*, ii, 1-91.

[2] Amm. Marc., *op. cit.*, xxxiii, 1-4.

[3] Aug., *Ep.*, 87, 8; *Cod. Theod.*, xvi, 6, 2; 5, 4; C. I. L., vi, 1782, 1783. Augustine classes Flavianus as a Donatist; the inscriptions show that he was vicar of Africa at this period; *Cod. Theod.*, xvi, 5, 4, speaks of the "*dissimulatione judicum*"; while *Cod. Theod.*, xvi, 6, 2, which in some manuscripts is addressed to Flavianus, repeats the commands to enforce previous laws against rebaptizing. *Cf.* Seeck, *op. cit.*, cxv.

[4] Paul, *Vita Ambrosii*, 26; Soz., *op. cit.*, vii, 22; Aug., *City of God*, 18, 23; Ambrose, *Ep.*, 57, 6.

[5] Symmachus, *Epp.*, iii, 54-69; Libanus, *De Vita Sua* (Leipsic, 1903-8), i, p. 136; *Epp.*, 785, 926.

[6] Symmachus, *Epp.*, iv, 1-14.

[7] Aug., *Confessions*, ed. Gibb and Montgomery (Cambridge, 1908), v, 13.

from Symmachus to Ambrose secured for Augustine his appointment as professor of rhetoric at Milan. Seven letters [1] are addressed to Ambrose. In addition there is one to Bishop Clemens, and another to Bishop Severus.[2] Three letters [3] are to a Jovius, possibly the one who overthrew temples in Africa in Augustine's day.[4] Ten are to Attalus, Alaric's puppet emperor—baptized as an Arian to please that barbarian chieftain.[5] One of his correspondents, Caecilianus,[6] was also a friend of Augustine. Petronius Probus,[7] of the Anician house, whose wife and sons were devoted [8] Christians, received five of the letters. Probus was baptized on his death-bed in 395.[9] Thirty letters [10] are to Ausonius, ten to Rufinus,[11] and four to Atticus,[12] praetorian prefect of Italy and consul in 397, and a faithful Christian.

What better evidence could we possess of the toleration of the times than this correspondence of Symmachus? He exchanged friendly letters with men of all shades of religious opinions. Nor is he an exception. We see the same thing in the letters of Augustine, and doubtless, were the correspondence of other Romans of that period extant, we should find a similar state of affairs.

[1] Symmachus, *Epp.*, iii, 30-37; Ambrose, *Ep.*, 57, 2.

[2] Symmachus, *Epp.*, vii, 51; iii, 1 and 64.

[3] *Ibid.*, viii, 30; ix, 50.

[4] Aug., *City of God*, xviii, 54.

[5] Seeck, *Sym.*, clxx; Amm. Marc., *op. cit.*, 28, 4, 3; Soz., *op. cit.*, ix, 9.

[6] Aug., *Ep.*, 151, 14.

[7] Symmachus, *Epp.*, i, 56-61; Seeck, *Sym.*, xci; C. I. L., vi, 1752, 1753, 1756.

[8] Prud., *Cons. Sym.*, 1, 551; Jerome, *Ep.*, 130, 3.

[9] C. I. L., 1756.

[10] Symmachus, *Epp.*, i, 13-43.

[11] *Ibid.*, iii, 81-91.

[12] *Ibid.*, vii, 30-34.

Symmachus furnishes us some slight material for the speculation, which has interested modern historians, as to when the majority of the Roman Senate ceased to be pagan. When Gratian, in 382, ordered the removal of the Altar of Victory from the Senate Chamber—a notable act of sacrilege according to our pagan sources—Symmachus headed the pagan deputation which was sent to protest to the emperor. He tells us that it was in the name of the Senate that this appeal for the restoration of the statue was made.[1] Yet, Ambrose, the opponent of Symmachus, claims a Christian majority in the Senate.[2] The situation is made still more uncertain by the fact that after Symmachus' departure for Milan, the same senators sent a protest to Damasus, bishop of Rome, who brought it about that Symmachus was not received by the emperor. Surely this vacillating policy must have been due to the fact that the Senate was pretty evenly divided. Ambrose [3] and Prudentius [4] could claim that it was Christian, while at the same time Symmachus [5] and, later, Zosimus [6] could describe it as pagan.

Some modern historians feel that it is possible definitely to determine majorities at this period. Among these, Victor Schultze, basing his estimates on the number of bishops present at church councils concludes that by the year 382 the pagans were in the majority in the Roman Senate.[7] On the other hand, G. Rauschen follows Am-

[1] Symmachus, *Ep.*, x, 3.

[2] Ambrose, *Ep.*, 17, 9 and 10.

[3] Ambrose, *Ep.*, 17, 9 and 10.

[4] Prud., *Contra Sym.*, i, 566.

[5] Symmachus, *Ep.*, x, 3.

[6] Zos., *op. cit.*, iv, 59.

[7] Victor Schultze, *Geschichte des Untergangs der grlechisch-römischen Heidentums* (Jena, 1887-92), i, 225.

brose in claiming a Christian majority.[1] Both these estimates are misleading. The senate included many indifferents and irresolutes, and it probably took not a little political management for either party to carry out its measures.

Augustine gives us an interesting picture of the extreme diplomacy the Christian must exercise in trying to win the Senate to his policy. Writing to a Christian senator urging him to work for the extension of Christianity in Africa, he speaks not only of "many like yourself, who are senators in the state and sons of the holy church," but also of many others who are so weak that "it is hazardous to give them this exhortation; they may refuse to follow it and the enemies of the Church will take advantage of it to deceive the weak. But it is safe for me to express gratitude to you—and ask you to read this letter with friendly boldness to any to whom you can do so on the grounds of their Christian profession."[2]

An opponent of Symmachus was Aurelius Prudentius Clemens (348-410), the first distinctly Christian Latin poet. Born in Spain,[3] he received a pagan education.[4] He became governor of a province and gained the highest court rank; but at the age of fifty-seven he resolved to devote the remainder of his life to writing about Christianity.[5] The most important of his works is his *contra Sym-*

[1] Rauschen, *op. cit.*, 119. Gaston Boissier, *op. cit.*, ii, 267 says: "Rome at the end of the fourth century passed as having a pagan majority. The Christians protested against this opinion, but it was nevertheless strongly believed." Samuel Dill, *op. cit.*, p. 36, speaks of the Roman Senate as being "still pagan to the core"; and p. 4, "At the close of the fourth century the majority of the Senate were little touched by the Christian faith, although the wives and daughters of some of them had adopted the most ascetic practices."

[2] Aug., *Ep.*, 58 (401 A. D.).

[3] Prud., *Peristephanon*, vi, 146.

[4] Prud., *Contra Sym.*, i, 197-214.

[5] Prud., *Praef.*

machum, written probably in the year 403, and perhaps called forth by the restoration of the Altar of Victory to the Senate chamber. This poem is in two books, the first against the pagan religion in general, the second against Symmachus in particular. Its tone is tolerant. With him the church is not hostile to the state and he always speaks in a kindly way of Symmachus. He realizes that paganism is not yet dead; against it he would use legal means but not violence.[1] He cites with evident approval the decree of Theodosius that works of art, even idols,[2] are to be preserved; he congratulates the emperors on admitting to public honors men of all cults.[3] He has no unkindly feeling even toward the pagan emperor Julian;[4] yet for him Rome's destiny was to unify mankind that it might become one in Christ. In all his poems there is but one reference to Arianism, which would indicate that that heresy was not yet prominent in the West.[5] He summarizes his mission in the introduction to his works as follows:[6] "If I might not honor God by actions, I would at least celebrate him in my verse; with my hymns I would sanctify the hours of the day and the night should not be less consecrated to glorifying the Saviour; I would fight against heresy, defend the Catholic faith, destroy the pagan altars; I would hurl an invective, O Rome, at your idols, consecrate a poem to the martyrs and sing the glory of the apostles."

We return to a pagan source again in the compilation from the lost works of Eunapius and Olympiodorus, the History of Rome by Count Zosimus (c. 450-501 ?). Of Zosimus we know little else than that he was a count and

[1] Prudentius, *Contra Sym.,* i, 19-25.
[2] *Ibid.,* i, 503-506.
[3] *Ibid.,* i, 19-24.
[4] Prud., *Apotheosis,* 450-463.
[5] Prud., *Psychomachia,* 794.
[6] Prud., *Praef.,* i.

advocate who lived in the East in the last half of the fifth century.[1] His historic credibility for the period of which we treat is not great, as he was not a contemporary nor an intelligent compiler; he has a most decided pagan and anti-German bias; and he is interested primarily in Eastern affairs. His uncompleted work in six books comes down to the year 410. His attitude he expresses thus: "If the sacred ceremonies had been religiously observed as the oracle had ordered, the Roman empire would have conserved its power over all the world known to us. But because they have been neglected since Diocletian abdicated his sovereign authority, it has diminished little by little and has fallen under the domination of the barbarians, as it is easy for me to prove by the order of events." [2] He was a firm believer in divinations, oracles and the Sybilline books. It was Minerva and Achilles who preserved Athens from Alaric in 395. That a pagan in the Eastern part of the empire could publish such a book in the reign of Theodosius II or later is evidence that at least there paganism was still of importance.

Over against these narrative and incidental sources, at best but doubtful guides, we have, fortunately, a collection of documents which must always serve the historian of this period as a touchstone for the rest—the Roman law. The Theodosian code is a collection of contemporary documents of the first importance, and of final authority wherever it can be applied and its scope and application determined. We have the statement in a constitution of Theodosius II itself of how the idea of a compilation grew up in his mind.[3] He felt

[1] Photius, *Codex* 98.

[2] Zos., *op. cit.*, ii, 7.

[3] *Const. de Theod. Cod. Auctoritate,* i, 1, 5 (429). *Cf.* Mommsen and Marquardt, *Manuel des Antiquites Romaines,* vol. xvi; Krueger,

that it was necessary to facilitate their task of his jurisconsults by an official compilation of the laws, whereby the sources of the law would be rendered more accessible. So he appointed a commission to classify by order of subject-matter, and to unite in a code, on the model of the Codices Gregorianus and Hermogenianus, the edicts and other general laws from the time of Constantine; not omitting those abrogated, since the date and chronological order would permit one to distinguish which were still in force. The constitutions were to be broken up into chapters and placed under different titles, if the subject-matter demanded it. The text should be exactly reproduced, leaving out, however, directions for publication, prefaces or expressions of motives. At the same time the Emperor proposed a more practical code which should contain only those constitutions still in force, together with some opinions of the jurisconsults. This first commission did not fulfil its task, however, and in 435 a new commission with instructions of a somewhat different nature was appointed.[1] It abandoned the second part of the project and held only to the collection of constitutions. This commission was authorized to abridge the laws inserted, to make additions, if in their opinion it should seem necessary, to modify a text if it contained ambiguous expressions or if the change would afford a happier expression. Also it was formally declared necessary to include in this code the laws applicable only in certain provinces or cities, a fact which infinitely increases the difficulty of using them as historical sources. The work of this committee was published on the fifteenth of February, 438, and went into effect on the first

Histoire des Sources du Droit Romain, pp. 381 *et seq.* (Paris, 1907). *Cf.* Gothofredus, *Prolegomena Codicis Theodosiani,* p. 189, *de usu et auctoritate codicis Theodosiani.*

[1] *Cod. Theod.,* i, 1, 6.

of January, 439.[1] With some exceptions all constitutions issued since Constantine the Great were to be abrogated if not in the code. And although the committee was instructed to insert all general laws and was not authorized to lay aside any, we know that some were left out, either through negligence or owing to the insufficiency of materials at hand. Some of the constitutions given are of almost no significance; some are purely transitory; sometimes extensive use is made of the authority to abridge or modify the text. Errors in dividing constitutions at times are such that we can not be sure of texts appearing under appropriate titles. Occasionally the same constitution occurs under several titles. Texts were not always correctly modified. Such is the nature of the composition of the code proper.

To the code must be added the *Novellae* or laws of later dates. The decree of publication of the code decided, however, that new laws promulgated by any prince were to be applicable in the other parts of the Empire only after they had been ratified by the prince of that section.[2] The last of the sixteen books into which the code is divided deals with religious matters. The earlier books treat of private law, administration of the state, criminal law, fiscal law, organization and administration of local government.

The ecclesiastical corporation (state church) was in a sense created by imperial constitution, and remained in law and in fact under the power of the monarch. From the legal point of view the church was dependent on the state; even the decisions of the councils in matters of faith were simply advice which the government received through

[1] *Nov. Theod.*, i.

[2] *Cod. Theod.*, i, 1, 5, 5.

the medium of competent men and this advice was of juridic value only by virtue of imperial sanction.[1]

What is the attitude of the Theodosian Code toward heretics and pagans? This is a question which we cannot answer in full, as it carries us back over the whole history of the fourth century and farther into the fifth than this study goes. But in general we may summarize the position in 395 as follows. In the days when paganism was the religion of the state a religious offence became a crime against the state, *majestas*. So when Christianity became the state religion the charge of treason (*majestas*) still might be raised against pagans or heretics for acts of sedition [2] or the offering of bloody sacrifices or consulting the steaming entrails.[3]

Full legal rights belonged only to the orthodox, all religious deviations entailed a diminution of civic respectability and frequently a restriction of liberties. Legally, orthodoxy (*fides catholica*) was always the faith of the emperor, which under an Arian emperor such as Valens would mean Arianism. But after Theodosius, Gratian and Valentinian in 380 [4] had established the Athanasian belief as the state religion, this was not again changed. Yet, previous to the period of which we treat, the difference between orthodoxy and heresy was not clearly defined, as is shown by the case of the Novatians. A law of 326 [5] allowed this sect certain privileges which were denied to heretics, and this continued to be their position even to

[1] *Cod. Just.*, i, 5, 8, 5, by which Valentinian III and Marcian established by law the decisions of the Council of Chalcedon.

[2] *Ibid.*, xvi, 4, 1 (386).

[3] *Ibid.*, xvi, 10, 12 (392).

[4] *Ibid.*, xvi, 1, 2 (380); xvi, 5, 6 (381).

[5] *Ibid.*, xvi, 5, 2 (326).

the year 428.[1] Although there was a general notion of heresy as any deviation from orthodoxy,[2] nevertheless at the death of Theodosius there was as yet no legal definition of a heretic.

Punishment for heterodoxy was at first chiefly the loss of certain special privileges granted to the church: (a) They were refused the rights of reunion and association and the right freely to perform the acts of their cult under various penalties, as, segregation, confiscation of property and deportation. These rights had been withdrawn by the year 381 from all heretics.[3] It is to be noted that the right of congregation was in some instances forbidden only in cities.[4] (b) They were not allowed to possess churches or burial places. The rule was for the state to confiscate such places.[5] (c) Neither their association nor the authority of their leaders was to be recognized.[6] This principle was well established by the year 379. (d) By 381 those guilty of heresy were deprived of the right of transmitting or receiving property by intestate succession or by will, legacy or donation, under penalty of confiscation.[7] (e) Choice of a place of residence was restricted.[8] They could not live in the larger cities.

At the close of the fourth century, the orthodox were

[1] *Cod. Theod.*, xvi, 5, 65 (428). Justinian's redaction of this law places them squarely with other heretics (*Cod. Just.*, i, 5, 5).

[2] *Ibid.*, xvi, 5, 5 (379).

[3] *Ibid.*, xvi, 5, 6. By the year 410 a death penalty was attached; *ibid.*, xvi, 5, 51.

[4] *Ibid.*, xvi, 5, 65.

[5] *Ibid.*, xvi, 5, 4 (376). We shall see these confiscated to the church in 408 (*ibid.*, xvi, 5, 43; *cf. infra*, p. 134).

[6] *Ibid.*, xvi, 5, 5 (379).

[7] *Ibid.*, xvi, 5, 7 (381).

[8] *Ibid.*, xvi, 5, 7 and 12.

coming to treat the heterodox as non-Christian, and confused them with the pagans or gentiles. This occurs as early as 380,[1] although the distinction at law between the pagans and heretics[2] had not yet disappeared.[3] The legal status of the two classes was similar but not identical; the penalties in force against pagans were different from those imposed upon heretics: (a) The pagans had lost their freedom of belief. This may have been begun under Constantine himself,[4] though the evidence for this supposition is very slight, consisting only of a reference, contained in a law of Constantine's sons, to an earlier similar act on the part of Constantine himself. Inasmuch as Eusebius does not mention this edict of Constantine, the probability is that it was never issued. The sons forbade blood sacrifices and in a general manner the worship of images.[5] They also closed the temples.[6] By 395 not only had orthodoxy become the recognized religion of the state, but in a general manner, all acts of the pagan cult had been forbidden,[7] though popular fêtes were still maintained.[8] (b) The property was confiscated, both of

[1] *Cod. Theod.*, xvi, 1, 2. [2] *Ibid.*, xvi, 5, 46 (409).

[3] In the Theodosian code a special title is devoted to the pagans, but in the *Nov. Theod.*, ii, 3, we find them under the classification of "Jews, Samaritans, pagans and other kinds of heretics."

[4] *Cod. Theod.*, xvi, 10, 2. Euseb., *Vita C.*, 2, 44, 45.

[5] *Cod. Theod.*, xvi, 10, 2 (346); *ibid.*, xvi, 10, 6 (356), "vel colere simulacra."

[6] *Ibid.*, xvi, 10, 4 (346); in this law maintenance of sacrifices in the temple is made punishable with death. In 385, *ibid.*, xvi, 10, 9, the death penalty was added for taking auspices from the entrails of victims. In 392, *ibid.*, xvi, 10, 12, sacrifice and the taking of auspices from the entrails was made equivalent to the crime of *majestas*.

[7] *Ibid.*, xvi, 10, 12 (392). In 451 a death penalty is attached to all interdicted acts of the cult. *Cod. Just.*, i, 11, 10, 3.

[8] *Cod. Theod.*, xvi, 10, 17 (399).

the temples,[1] and of such private individuals as authorized the acts of the cult or their domains.[2] (c) The loss of the right of testation [3] and the incurring of infamy [4] had been decreed against Christians who turned pagan. Loss of functions legally followed from infamy. However, by a law of the year 408 all enemies of the Christians [5] were to lose their public functions.

III

Such is, in general, the character of the sources of our information concerning the political and religious situation when Stilicho in the West and Rufinus in the East became responsible for the policy of the Empire. For, although the piety of both emperors would impose no obstacle to an increase in the power of the orthodox religion, it was doubtless the ministers rather than the emperors themselves who directed the legislation in this as in other questions. We must therefore look to the respective attitudes of Stilicho and Rufinus for any explanation of the development of this religious situation.

As we have shown in our treatment of Claudian, Stilicho's panegyrist, Stilicho followed a middle course in religious matters; it is not possible to assign him to any religious faction. Herein he had accepted the advice and followed the example of Theodosius. Such a policy worked well in peaceful times, but when the barbarian

[1] *Cod. Theod.*, xvi, 10, 12 (392).

[2] *Ibid.*, xvi, 10, 12, 2 (392). Later the priesthood is suppressed *ibid.*, xvi, 10, 14 (396).

[3] *Ibid.*, xvi, 7, 1 (381). In Justinian's time these penalties were ordered applied to all pagans (*Cod. Just.*, i, 11, 10, 1). Also all pagans were to be banished (*Cod. Just.*, i, 11, 10, 3).

[4] *Cod. Theod.*, xvi, 7, 5 (391).

[5] Stilicho's fall was followed by a general law of this nature. *Cf. infra*, p. 133; *ibid.*, xvi, 5, 42.

threatened destruction to the Empire, it failed: Stilicho was overthrown by the orthodox and was heartily condemned by both parties. As a result, the historical writers were not fair to him; and were it not for the edicts which have come down to us, we should be quite at a loss how to estimate his tolerant policy.

The pagan, Zosimus,[1] blames him for taking the gold from the doors of the capitol,[2] and accuses his wife Serena of taking the gold necklace from the statue of Magna Mater to place around her own throat. And Rutilius Namatianus,[3] another pagan, condemns him for burning the Sibylline books and accuses him of letting the barbarians loose on the empire.[4] On the Christian side, Orosius [5] blames him for placing in office a barbarian pagan, Saul, who offended the Christian God by forcing the barbarians to fight the battle of Pollentia on Sunday, and what is more serious,[6] charges him with wishing to make his heathen son, Eucharius, Emperor. Paulinus of Nola [7] says that he violated the right of asylum of the church. Augustine does credit him with some service to the world when he says that Stilicho sent out to Africa laws for breaking the idols and correcting the heretics,[8] but Jerome [9] lays on his shoulders all the troubles of the empire. These,

[1] Zos., *op. cit.*, v, 38.

[2] *Ibid.*, v, 38.

[3] Rutilius Namatianus *De Reditu suo* (London, 1907), ii, 41, 46, 52.

[4] *Ibid.*, ii, 46.

[5] Orosius, *op. cit.*, vii, 37, 2.

[6] *Ibid.*, vii, 38, 1 and 6.

[7] Paulinus of Nola, i, 34.

[8] Aug., *Ep.*, 97.

[9] Jerome, *Ep.*, 123, 17. There is absolutely no justification for Baronius, *Annales Ecclesiasticae*, Ed. Mansi (Lucca, 1738-46), 395, 1, calling Stilicho "Idolorum cultus implacabilem adversarium." Tille-

however, are descriptions drawn after the close of Stilicho's career and are those of writers disappointed with the outcome. Neither party had been satisfied.

Stilicho's policy through his period of power was to protect the rights of both parties. He respected and confirmed the rights of the church,[1] though he did not extend them; he tried rather to restrict them where he saw that they interfered with powers properly belonging to the secular government.[2] Pagan temples were protected as works of art and the pagan games were continued;[3] the pagans were molested only when they caused trouble. In Stilicho's consulate it is even possible[4] that the pagan Altar of Victory was restored to the Senate Chamber in Rome, though the evidence for this is of slight value. The earliest acts of Stilicho show that he realized that the religious parties had a working basis which he attempted to preserve. He first assured the Christians that they were to enjoy the privileges already gained. The imperial edict of the twenty-third of March, 395, reads:[5] "We command that the dif-

mont, *Hist. Ecc.* (Brussels, 1707), follows this and adds the somewhat astonishing proof (v. 484) that had he not been a Christian, Theodosius would not have given him Serena as a wife.

[1] *Cod. Theod.*, xvi, 2, 29; xvi, 2, 30.

[2] *Ibid.*, xvi, 11, 1.

[3] *Ibid.*, xvi, 10, 15; *cf. infra*, p. 101; xvi, 10, 17 and 18.

[4] Birt, *op. cit.*, pp. 57-8. Introd. infers that Victory was restored January, 400, from these lines, *De Cons. Stilic.*, III, preface, 19, "Advexit *reduces secum Victoria Musas.*" The poem of Prudentius, *Contra Symmachum,* was perhaps inspired by this restoration. Its purpose was to show that Rome's greatness was not due to the ancient Gods.

[5] *Cod. Theod.*, xvi, 2, 29; de Episcopis, Ecclesiis et Clericis. (395 *Mart,* 23) Impp. Arcad(ius) et Honor(ius) AA. *Hierio Vicario Africae.* "Quaecumque a parentibus nostris diversis sunt statuta temporibus, manere inviolata adque incorrupta circa sacrosanctas ecclesias praecipimus. Nihil igitur a privilegiis immutetur omnibusque, qui

ferent imperial decrees of our predecessors regarding holy church shall remain inviolate and unchanged. Let none of the privileges be altered, and to all who serve the church let protection be afforded; for we desire in our time rather to increase reverence than to change that which has been maintained from of old." This adds no new privileges and we should notice that it is directed to the vicar of Africa. Africa, as we shall see later, was a hot-bed of religious strife and this was in the nature of political measure for the preservation of order. He adopted the same policy towards the pagans. On January the thirty-first, 397, he enacted a similar law, adding therein that privileges enjoyed by the church were to apply to those who belonged to it.[1] Three imperial ordinances dealing with the pagans of the late revolt of Eugenius and Abrogastes were issued soon after he assumed power. Ambrose[2] tells us that Theodosius' last request of Stilicho was that he grant indulgence to the late rebels and one of the edicts preserved in the code[3] affirms that the laws issued were in accordance with such a request. The one of the twenty-first of

ecclesiis serviunt, tuitio deferatur, quia temporibus nostris addi potius reverentiae cupimus quam ex his quae olim praestita sunt immutari. Sozomen, *op. cit.*, viii, 1, confirms this: "Atque idcirco ea quae pro ecclesiarum utilitate a superioribus principibus decreta fuerant, propensiore animo confirmarunt et propria ipsi dona adjecerunt."

[1] *Cod. Theod.*, xvi, 2, 30. "Non novum aliquid praesenti sanctione praecipimus, quam illa, quae olim videntur indulta, firmamus. Privilegia igitur, quae olim reverentia religionis obtinuit, mutilari sub poenae etiam interminatione prohibemus, ita ut hi quoque, qui ecclesiae obtemperant, his, quibus ecclesia, beneficiis perfruantur."

[2] Ambrose, *De Obitu Theodosii*, 5. "Praecepit dari legem indulgentiae quam scriptam reliquit."

[3] *Cod. Theod.*, xv, 14, 11. "Fas est sequi nos paternae dispositionis arbitrium."

April [1] validates acts of a private nature passed during the time of the late tyrants. One of the twenty-sixth of the same month [2] also deals with private rights. One of the eighteenth of May [3] grants pardons to the rebels and restores the dignities previously held. Finally,[4] on the seventeenth of June all legal infamy was removed. The pagan party was still strong and Stilicho's actions won the support of its leaders, the chief of whom was Symmachus.[5]

The religious attitude of Rufinus compares unfavorably with the toleration of Stilicho. His religious faith and zeal won for him the friendship of Ambrose.[6] At his death he was buried in the Church of the Apostles Peter

[1] *Ibid.*, xv, 14, 9. "Valeat omnis emancipatio tyrannicis facta temporibus; valeat a dominis concessa libertas; valeat celebrata et actis quibus libet inserta donatio;" etc.

[2] *Ibid.*, xv, 14, 10. "Qui tyranni Maximi secuti . . . eorum amissione plectantur adque ad rem privatam denuo revertantur."

[3] *Ibid.*, xv, 14, 11. "Fas est sequi nos paternae dispositionis arbitrium adque ideo universos cuiuslibet ordinis viros, de quibus lex nostra reticuerat, ad veniam volumus pertinere et beneficia inopinantibus ultro deferimus, sancientes hac lege, ne is, qui tyranni tempore militavit vel etiam qualibet administratione donatus est aut honoraria dignitate perfunctus vel quicumque in aliquo honore diversis locis aut exactionibus praefuerant, notam infamiae sustineant, aut deformi vocabulo polluantur. Quibus eas tantum dignitates valere decernimus, quas ante tyrannicum tempus habuerunt."

[4] *Ibid.*, xv, 14, 12. "His, quos tyrannici temporis labes specie dignitatis infecerat, inustae maculae omnem abolemus infamiam. Cunctis igitur statum priorem sine cuiusquam loci aut ordinis exceptione tribuimus, ut utantur omnes jure communi, teneant statum veteris dignitatis, ita ut nihil sibi ex his quos adepti fuerant honoribus blandiantur."

[5] Symmachus, *Ep.*, viii, 7. Fifteen of the letters which Symmachus wrote to Stilicho are preserved. The one cited is of the year 399 writing in response to the appointment of son Flavian as prefect of Rome. Flavian had been one of the leading men in the revolt mentioned. His family was noted for its adherence to paganism.

[6] Ambrose, *Ep.*, 52.

and Paul, which he as praetorian prefect had built, three miles from Chalcedon, in a suburb called the Oak. Tillemont has shown [1] that he had been baptized into the orthodox faith at the dedication of this church in 394. That he was a friend of Symmachus [2] does not argue against his orthodoxy, for, as Tillemont well says, Symmachus was the friend of everybody; [3] nor does the fact that the later church historians condemn him.[4] The best evidence that we could possibly have as to his constant support of the orthodox church is found in his numerous partisan edicts, all of which seem to indicate a bid for the support of the orthodox. But it is doubtful whether his narrow intolerant acts accomplished anything but the alienation of pagans and heretics. That of the thirteenth of March [5] regarding heretics, especially Eunomians, is very severe, for-

[1] Tillemont, *Memoires pour servir a l'histoire ecclesiastique* (Paris, 1713), ix, 593.

[2] Symmachus, *Epp.*, iii, 81-91.

[3] Tillemont, *Histoire des Empereurs*, v, 422.

[4] Soz., *op. cit.*, viii, 1.

[5] *Cod. Theod.*, xvi, 5, 25. De Haereticis. Impp. Arcad(ius) et Honor(ius) AA. Rufino P(raefecto) P(raetori)o: "Omnes poenas, cuncta supplicia, quae sanctionibus divae recordationis genitoris nostri adversum haereticorum sunt pertinacem spiritum constituta, nostro etiam decreto reparantes decernimus, quidquid etiam his est contra meritum delinquentum spe correctionis speciali quadam sanctione concessum, id irritum esse. Eunomianorum vero perfidam mentem et nequissimam sectam speciali commemoratione damnamus statuimusque omnia, quae contra illorum vesaniam decreta sunt, inlibata custodiri, illud addentes, ne quis memoratae sectae militandi aut testandi vel ex testamento sumendi habeat facultatem, ut sit omnibus commune damnum, quibus etiam communis est religionis furor, cessante videlicet, si quid a patre nostro quibusdam fuerat super testandi jure beneficio speciali concessum." The term "supplicium" originally means the death penalty, but in later Roman law the term used for that penalty is generally "summum supplicium."

bidding them the right of serving in the army, acting as witness or inheriting. It reads:

Reviving all the penalties, all the punishments, which were established by the sanctions of our parent of divine memory against the pertinacious spirit of the heretics, we declare by this our decree that any concession granted by any special sanction whatever, contrary to the deserts of the offenders, in the hope of reformation, is invalid. We especially condemn the perfidious spirit and most nefarious doctrine of the Eunomians, and command that all that has been decreed against their folly be strictly observed; adding this, that no one of the aforesaid sect shall have the right of participating in the imperial service or of making or taking testament, so that the same losses shall be shared by all who share this religious folly. We hereby revoke any privileges that may have been conceded by our father to anyone, respecting the right of testation.

A few days later he prohibited all their assemblies, and forbade their assumption of ecclesiastical offices or titles by the law of the thirtieth of March,[1] which reads: "Let none of the heretics, whom already innumerable laws of our divine father restrain, dare hold their illicit meetings and with profane spirit, either publicly or privately, openly or in secret, contaminate the mystery of almighty God. Let none with polluted spirits dare assume the name of bishop or usurp ecclesiastical rank and its most sacred titles." On the twenty-fourth of June,[2] however, he re-

[1] *Cod. Theod.*, xvi, 5, 26. "Ne quis haereticorum, quos jam leges innumerae divi genitoris nostri continent, audeat coetus inlicitos congregare profanaque mente omnipotentis dei contaminare mysterium, nec publice nec privatim, nec in secreto nec palam. Nemo audeat episcopi sibi nomen adsciscere vel ecclesiasticum ordinem eorumque sanctissima nomina pollutis mentibus usurpare."

[2] *Ibid.*, xvi, 5, 27. "Conficiendorum testamentorum dari Eunomianis praecipimus potestatem et concedi id, quod divi genitoris nostri data nuper praeceptio continebat."

stores the testamentary right which had been conceded to them by Theodosius on the twentieth of June, 394,[1] but which had been taken away on the thirteenth of March, 395.[2] From the fact that this is a law of toleration and that it is addressed to Caesarius, praetorian prefect, who only succeeded to that office on the death of Rufinus, it is possible that the date is wrong, and that it was not issued before November 27th.

A law of September 3rd gives our first legal definition of a heretic, declaring that the term shall include all those who even in a minor matter deviate from the opinion and path of the Catholic religion.[3] And the last law of Rufinus,[4] that of the twenty-fourth of November, was to make his position more secure by removing all heretics from the provincial palace service. This shows fear of the opposition which his attitude must have aroused. It reads:

We command your sublimity [Marcellus, master of the offices] to investigate whether heretics have dared, with affront to our laws, to perform service either in the bureaus (scriniis) among

[1] *Cod. Theod.*, xvi, 5, 23.

[2] *Ibid.*, xvi, 5, 25.

[3] *Ibid.*, xvi, 5, 28. "Aureliano Proc. Asiae, Haereticorum vocabulo continentur et latis adversus eos sanctionibus debent subcumbere, qui vel levi argumento judicio catholicae religionis et tramite detecti fuerint deviare."

[4] *Ibid.*, xvi, 5, 29. "Sublimitatem tuam investigare praecipimus, an aliqui haereticorum vel in scriniis vel inter agentes in rebus vel inter palatinos cum legum nostrarum injuria audeant militare, quibus exemplo divi patris nostri omnis et a nobis negata est militandi facultas. Quoscumque autem deprehenderis culpae huius adfines, cum ipsis, quibus et in legum nostrarum et in religionum excidium conventiam praestiterunt, non solum militia eximi, verum etiam extra moenia urbis huiusce jubebis arceri." Honorius does the same in 408 (*ibid.*, xvi, 5, 48). Military service has been interdicted to Eunomians in 389, law 17, and to Montanists and Priscillianists in 395, law 25.

the *agentes in rebus*, or among the *palatini*. To all of these by the example of our divine father and by ourself all right of service has been forbidden. Moreover, all those who are found privy to this crime, together with those who connive with them in the overthrow of our laws and of religions, shall not only be removed from service but shall also be kept outside the walls of the city.

We must bear in mind that the Novatians were still considered only as schismatics, that Origen was not yet a heretic, and that the Arians had a church at Constantinople for their worship. Restrict the latitude of these laws as much as the sources will permit, and we still have the intolerant spirit of Rufinus' administration towards heretics clearly established.

The laws of Rufinus dealing with the pagans are of a similar severity and must have alienated the support of that party. A law of the seventh of August,[1] against both

[1] *Cod. Theod.*, xvi, 10, 13. "Statuimus nullum ad fanum vel quodlibet templum habere quempiam licentiam accedendi vel abominanda sacrificia celebrandi quolibet loco vel tempore. Igitur universi, qui a catholicae religionis dogmate deviare contendunt, ea, quae nuper decrevimus, properent custodire et quae olim constituta sunt vel de haereticis vel de paganis, non audeant praeterire, scituri, quiquid divi genitoris nostri legibus est in ipsos vel supplicii vel dispendii constitutum, nunc acrius exsequendum. Sciant autem moderatores provinciarum nostrarum et his apparitio obsecundans, primates etiam civitatum, defensores nec non et curiales, procuratores possessionum nostrarum, in quibus sine timore dispendii coetus inlicitos haereticos inire conperimus, eo, quod fisco sociari non possunt, quippe ad eius dominium pertinentes, si quid adversus scita nostra temptatum non fuerit vindicatum adque in vestigio ipso punitum, omnibus se detrimentis et suppliciis subjugandos, quae scitis sunt veteribus constituta. Speciatim vero hac lege in moderatores austeriora sancimus et decernimus; namque his non custoditis omni industria adque cautela non solum hanc multam quae in ipsos constituta est, exerceri verum etiam quae in eos praefinita est qui commissi videntur auctores, nec his tamen remissa, quibus ob contumaciam suam juste est inrogata. Insuper capitali supplicio judicamus officia coercenda, quae statuta neglexerint."

heretics and pagans, is directed especially against official connivance:

We decree that no one shall have license to visit any shrine or temple whatsoever or to celebrate abominable sacrifices at any time or in any place whatsoever. Therefore, let all who attempt to deviate from the dogma of the Catholic religion hasten to observe the decrees which we have recently made, nor let anyone dare overlook what formerly was decreed regarding either heretics or pagans, knowing that any fine or punishment determined by the laws of our divine father against them is now to be more vigorously executed. Moreover, let the governors of our provinces and their subordinates, the leading citizens of the towns, the defensors and curials, and stewards of our domains, in which we have learnt that illicit assemblies of heretics are held without fear of fine on the ground that the property of the fiscus cannot be confiscated, let these know that they must suffer all the penalties and punishments which have been fixed by former decrees if they do not forthwith take cognizance of, and punish promptly anything attempted contrary to our ordinances. And especially with reference to the governors, by this law we order and decree more severe measures; for if they do not enforce these laws with all diligence and caution, they will be made to pay not only the fine provided for their own neglect but also that provided for those who are shown to have committed the offense, the latter however not being remitted as against those on whom it has justly been imposed because of their contumacy. In addition, we judge that the officials (*officia*) who neglect the statutes shall be subjected to capital punishment.

The destruction of paganism was not altogether the work of the Roman administration. The disorders of the time, civil war, and especially barbarian plunderings, must have played a very large rôle in the displacing of the ancient cults and the scattering of temple treasures. But how inexact can be the estimate of the effect of this lawless force

upon the religious revolution is illustrated in the question of the influences of the ravages of Alaric and his Goths in Greece upon the fortunes of Greek paganism. Upon the basis of an obscure passage in Eunapius, which we give below, Cardinal Baronius [1] and other historians after him,[2] have claimed that it was owing to these Goths that the mysteries of Eleusis and the temples and sanctuaries in general were destroyed throughout Greece. The case was not so clear to the pagan Zosimus, who relates the marvelous protection of Athens from the Goths by the appearance of Athena and Achilles before its walls.[3] But while we need not follow such obvious mythology, and may accept the reference of Eunapius as indicating a destruction of the temple at Eleusis, we can hardly draw from it the further conclusion that there was a general destruction of Greek temples and sanctuaries.[4]

The passage in Eunapius runs as follows:

Awe forbids me to speak the name of the hierophant, since he gave to me ordination, but he came from the family of *Eumolpid*. It was he who foresaw the destruction of all Greece and the overthrow of paganism (Greek worship). In the presence of the writer he often declared that after him, one

[1] Baronius, *op. cit.*, 395. "Vides, lector, Dei Consilium tradentis Graecias Gothis, nimirum ut sacrorum cultores et cultum, tot legibus frustra coercitos, idem penitus abolerent."

[2] *Cf.* E. Chastel, *Histoire de la destruction du paganisme dans l'Empire de Orient* (Paris, 1850).

[3] Zos., *op. cit.*, v, 6. Philostorgius, *op. cit.*, xii, 2, shows that Alaric took Athens.

[4] Güldenpenning, *op. cit.*, p. 53, concludes that Greece did not recover for a hundred years, but Gregorovius, *Hat Alarich die Nationalgötter Griechenlands zerstört?* (*Kleine Schriften,* 1886), concludes that Eleusis was destroyed, but that it is a gross exaggeration to ascribe to the Goths the destruction of the temples and sanctuaries of Greece.

would be hierophant who would not be able to mount the throne of the hierophants, because he would be consecrated to strange gods and would be sworn by solemn oaths not to preside at other mysteries, albeit, eventually he would preside there, though not at Athens. His prophetic insight went so far that he announced that, while he lived, he would see the temples destroyed and desecrated; that he would be filled with scorn at the excesses of human pride; that the cult of the two goddesses would perish before him; that he would be stripped of saintly office and that he would have neither the right nor the long existence of a hierophant. And even so it transpired. . . .

Then came the invasion of the barbarians, under the leadership of Alaric, who leaped over the pass of Thermopylae as easily as they would have traveled a race course or a plain open to the coursing of horses. *Impious people clothed in black robes* opened the narrow passes to Alaric. They accompanied the flood of invaders, and in opposition to the law broke the band which attached all to the authority of the hierophant.[1]

In this passage the expression "impious men clothed in black," probably means the monks. It was a term commonly applied to them at that period. Synesius uses it[2] where there can be no question but that he means the monks. We know that monks were often valuable forces in campaigns. Mascezel used them against the Donatists and pagans[3] in 399 in his African campaign in Egypt. Chrysostom sent them to destroy the temples of Phoenicia.[4] Rutulius Namatianus[5] shows how they were especially execrated by the pagans, and it is not surprising that they

[1] Eunapius, *Vitae Sophistarum. Maximus.*

[2] Synesius, *Opera,* M. P. G., 66. *Ep., 63, to Hypatia.*

[3] Orosius, *op. cit.,* vii, 36.

[4] *Cf. infra,* p. 74.

[5] Rut. Namat., *op. cit.,* i, 440.

worked for the destruction of paganism. The Arians, too, were zealous destroyers of pagan temples, as Claudian indicates when he describes the destruction of the worship of Cybele in Phrygia by the Arian Goths.[1] Religious zeal aided the invaders; in turn the Arian Goths assisted the monks. It is quite evident that they did a good deal of damage in Greece, and that they must have injured the wealthy temples.

[1] Claudian, *In Eut.*, ii, 274-304.

CHAPTER II

Outcome of the Religious Conflict in the East

We have seen how, upon the death of Theodosius, political and religious strife was renewed throughout the empire. Stilicho in the West and Rufinus in the East, as guardians of the youthful princes, found themselves confronted with pagans, Arians and Catholics, all clamoring for supremacy, all seeking the support of the newcomers, the Germans. But on account of its comparatively brief duration, we are enabled to treat the strife in the East separately from that in the West and to follow it speedily to a conclusion.

Rufinus had hoped to ensure his despotic influence in the East by arranging for the marriage of his daughter to the Emperor Arcadius. This was frustrated by a certain court eunuch, Eutropius, who took advantage of Rufinus' temporary absence to marry the prince to Eudoxia, the daughter of a barbarian general, Bauto. And shortly thereafter, Rufinus was murdered [1] and Eutropius succeeded to the supreme power in the East.

Officially Eutropius was only chamberlain, *praepositus sacri palatii cubicularius,*[2] but from Zosimus [3] we learn that he controlled the emperor Arcadius; and Philostorgius [4] testifies that Caesarius, the praetorian prefect, merely enforced his commands.

[1] *Supra*, p. 24.

[2] Marcellinus, *Chron.; Cod. Theod.*, ix, 40, 17.

[3] Zos., *op. cit.*, v, 8, 14.

[4] Philistorgius, *op. cit.*, xi, 4, 5.

Eutropius was born in Armenia, from whence he was carried in his youth to Assyria and sold as a slave.[1] After having changed masters many times he arrived at Constantinople, where General Abundantius (consul, 393) procured for him a position as palace eunuch. This favor he later repaid by having Abundantius banished, 396.[2] He had risen to some degree of importance even under Theodosius, who had intrusted him with a mission to Alexandria and Lycopolis [3] to consult John the Hermit regarding the approaching war with Eugenius. He first won favor with Arcadius by the arrangement of the marriage with Eudoxia. Whether or not, as Zosimus states,[4] he was accessory to Rufinus' murder, at any rate he at once drove Rufinus' wife and daughter from the sanctuary of the church [5] into exile and proceeded to appropriate their property.[6] As ruler his greed for money seems to have been even more insatiable than that of his predecessor. Chrysostom [7] tells of his great possessions. Claudian describes his consuming greed and swollen pride, as well as his traffic in offices.[8] Zosimus writes of his envy, avarice and pride,[9] and of his system of espionage instituted in order to discover the possessors of fortunes.[10]

Eutropius' religion was as his life, one of opportunism.

[1] Claudian, *In Eut.*, i, 47-61.

[2] Jerome, *Ep.*, 60; Claudian, *In Eut.*, i, 169, 170. He also banished Timasius. Zos., v, 9; Eunapius, *Frag.*, 70 and 71.

[3] Claudian, *In Eut.*, i, 312; Soz., *op. cit.*, vi, 28; Aug., *City of God*, v. 26; Theod., *op. cit.*, v, 24.

[4] Zos., *op. cit.*, v, 8. But the evidence is of slight value.

[5] Zos., *op. cit.*, v. 8; Marcellin, *Chron.*

[6] *Cod. Theod.*, ix, 42, 14.

[7] Chrysostom, *Opera*, M. P. G., 47-63; *In Eut.*, i, 2.

[8] Claudian, *In Eut.*, i, 192-209.

[9] Zos., *op. cit.*, v, 8, 10.

[10] Eunapius, *op. cit., Frag.*, 67.

There were at this time two leading parties in the East: the old Roman, or anti-German party, which Aurelian[1] headed, and the German party which followed Gainas, the Arian Goth. Eutropius might profit considerably from the mutual jealousies of these two parties,[2] but his strength to be at all permanent must rest on a more secure basis. Accordingly he built up his party mainly around his pretended zeal for the orthodox religion. He was acute enough to see that the East was not suitable for an heretical or tolerant leader. The orthodox party was powerful and was looking for some one to lead them to supremacy: accordingly Eutropius was orthodox. It was thus that he won and conserved his power. The orthodox party alone would not suffice for security, and accordingly the eunuch entered into an alliance with Aurelian and the Roman party. This coalition continued in power until the overthrow of Eutropius. Throughout this period, the edicts show Eutropius' zeal for orthodoxy in their treatment of heresy. His greatest service to the orthodox party was in bringing Chrysostom from Antioch to Constantinople. In all probability the attachment of Eutropius to orthodoxy was based on purely political grounds; the real depths of it may perhaps be gauged by the fact that he neither hesitated to abolish the sanctuary of the church,[3] nor to enter into an alliance with the pagan-heretical party of North Africa.[4] Also it is to be noted that he took the Jews under

[1] Aurelian was praetorian prefect in 398 and 399 until October. He secured for Synesius an audience with Arcadius at which the oration, *de Regno,* was delivered.

[2] Synesius, *de providentia,* an allegory of the events at Constantinople from 399-402. *Cf.* Seeck. *Philologus,* lii, 442.

[3] Chrys., *In Eutropium eunuchum,* I. 1.; *Cod. Theod.,* iv, 45, 3; ix, 40. 16 (398).

[4] *Cf. infra,* ch. iii.

his protection,[1] and it was the Jews whom Chrysostom considered the worst enemies of the church. The law of the twenty-seventh of February, 396, allows them to fix their own prices.[2] Another of the twenty-fourth of April[3] protects them from insults. That of the seventeenth of June, 397, forbids[4] attacks on Jews or their synagogues. But by a law of the same date,[5] Jews are forbidden to evade crimes or debts by turning Christian. A law of the first of July of the same year grants them all the exemptions from curial duties enjoyed by the Christians.[6]

The following are Eutropius' laws against the heretics. The one of the third of March, 396, reads:[7]

[1] In the West at this same period Stilicho was following a very difference course with respect to the Hebrews. By the law of the thirteenth of February (*Cod. Theod.*, xii, 1, 157, 158), 398, the Jews were commanded, despite laws of the East, to bear their share of municipal taxes and services (*munera*). And in 399, a law of the eleventh of April (*ibid.*, xvi, 8, 14), confiscated the revenues which the Jews were wont to send to their patriarch in the East.

[2] *Ibid.*, xvi, 8. De Judaeis, Caelicolis et Samaritanis, const. 10: "Ad Judaeos: Nemo exterus religionis Judaeorum Judaeis pretia statuet, cum venalia proponentur: justum est enim sua cuique committere."

[3] *Ibid.*, xvi, 8, 11. "Si quis audeat inlustrium patriarcharum contumeliosam per publicum facere mentionem, ultionis sententia subjugetur."

[4] *Ibid.*, xvi, 8, 12. ". . . oportere a Judaeis inruentum contumelias propulsari eorumque synagogas in quiete solita permanere."

[5] *Ibid.*, ix, 45, 2. "Judaei, qui reatu aliquo vel debitis fatigati simulant se Christianae legi velle conjungi, ut ad ecclesias confugientes vitare possint crimina vel pondera debitorum, arceantur nec ante suscipiantur, quam debita universa reddiderint vel fuerint innocentia demonstrata purgati."

[6] *Ibid.*, xvi, 8, 13. "Sint igitur etiam a curialibus muneribus alieni pareantque legibus suis."

[7] *Ibid.*, xvi, 5, 30. "Cuncti haeretici procul dubio noverint omnia

Let all heretics take notice that all of their places in this city are to be taken away from them, whether they are held under the name of churches, or are called *diaconica* (poor house hospitals) or *decanica* (prisons for ecclesiastical discipline): and if in any private homes or places opportunity appears to be furnished for meetings of this kind, these buildings and places are to be confiscated. Moreover let all heretical clergymen be expelled from this most sacred city and not be allowed to assemble within its confines. Likewise, it is forbidden to all of them to meet in this city to perform the litany, night or day; a fine of one hundred pounds of gold being decreed against your Highness if anything of this kind is allowed either in public or in private.

On the twenty-first or twenty-second of April of the same year [1] the Eunomians were again attacked:

Lest the grave insanity of the Eunomians continue to exist, let your excellency hasten with all zeal to discover their authors and teachers and especially cause their clergy, whose madness advocates such error, to be exiled and forbidden human association.

sibi loca huius urbis adimenda esse, sive sub ecclesiarum nomine teneantur sive quae diaconica appellantur vel etiam decanica, sive in privatis domibus vel locis huiusmodi coetibus copiam praebere videantur, his aedibus vel locis privatis fisco nostro adcorporandis. Praeterea omnes clerici haereticorum ex sacratissima urbe pellantur neque his finibus liceat convenire. Ad hoc interdicatur his omnibus ad litaniam faciendam intra civitatem noctu vel interdie profanis coire conventibus, statua videlicet condemnatione centum librarum auri contra officium sublimitatis tuae, si quid huiusmodi fieri vel in publico vel in privatis aedibus concedatur."

[1] *Cod. Theod.*, xvi, 5, 31 and 32. The one contains the other. "Ne Eunomianorum tanta dementia perseveret, sublimis magnificentia tua omni studio auctores doctoresque Eunomianorum investigare festinet clericique eorum maxime, quorum furor tantum suasit errorem, de civitatibus pellantur extorres et humanis coetibus segregentur."

A law of the first of April, 397, against the followers of Apollinarius,[1] reads:

We command the Apollinarist teachers with all speed to depart from the temples of our beloved city. And if, concealed in secret places, they disdain to depart, holding as they fancy secret assemblages, let these places or homes where they assemble be confiscated.

Again, on the fourth of March, 398, there is a law against the Eunomians which also include the Montanists:[2]

Let the clerics adhering to the Eunomian and Montanist

[1] *Cod. Theod.*, xvi, 5, 33. "Doctores Apollinariorum tota maturitate praecipimus ex aedibus carae nobis abscedere civitatis, ita ut, si obumbrati latebris abire neglexerint, occultos coetus, ut aestimant, habituri, ea loca vel domus, quibus praedictos congregaverint, fisci rationi nectantur." Apollinarius of Laodicea (fl. 382 A. D.), was a strong opponent of both the orthodox and the Arian. His faith was founded on the idea of the union of the body, soul and spirit and added another to the numerous Eastern heresies.

[2] *Ibid.*, xvi, 5, 34. "Eunomianae superstitionis clerici seu Montanistae consortio vel conversatione civitatum universarum adque urbium expellantur. Qui si forte in rure degentes aut populum congregare aut aliquos probabuntur inire conventus, perpetuo deportentur, procuratore possessionis ultima animadversione punito, domino possessione privando, in qua his consciis ac tacentibus infausti damnatique conventus probabuntur agitati. Si vero in qualibet post publicatam sollemniter jussionem urbe deprehensi aut aliquam celebrandae superstitionis gratia ingressi domum probabuntur, et ipsi ademptis bonis ultima animadversione plectantur et domus in qua ea sorte, qua dictum est, ingressi nec statim a domino dominave domus expulsi ac proditi fuerint, fisco sine dilatione societur. Codices sane eorum scelerum omnium doctrinam ac materiam continentes summa sagacitate mox quaeri ac prodi exerta auctoritate mandamus sub aspectibus judicantum incendio mox cremandos. Ex quibus si qui forte aliquid qualibet occasione vel fraude occultasse nec prodidisse convincitur, sciat se velut noxiorum codicum et maleficii crimine conscribtorum retentatorem capite esse plectendum." Montanism was that early ecstatic and visionary sort of religion, which numbered among its converts Tertullian.

superstitions be excluded from residence in or visits to any city or town. Should by chance any of these heretics sojourning in the country be found attempting to gather or hold an assembly, let them be sent into perpetual exile, and let the overseers of the property suffer with capital punishment, and let the owners be deprived of the property, if it be proved that these vile and forbidden assemblies were held with their knowledge and acquiescence. Furthermore, if after this order has been formally published in any city they shall have been apprehended in it or be proven to have entered any home for the sake of celebrating their superstition, let them receive capital punishment, with forfeiture of goods, and let that house be confiscated without delay which they entered in the manner aforesaid, and from which they were not immediately expelled and reported by the master or mistress. Besides, we command, in the exercise of our authority, that their books which contain the substances of their guilty teachings be sought out with the utmost care and produced to be burnt before the eyes of the magistrates. And if anyone shall have been convicted of having concealed or of not having produced them, let him know that for having them in his possession he is to receive capital punishment, as being guilty of having dangerous books and writings of sorcery.

The mildness of the few contemporary laws dealing with the pagan party is probably due to the alliance between the Roman party and Eutropius. A law of the twenty-third of March, 396,[1] deals with apostasy:

Let this punishment fall upon those who having been Christians, stain themselves with the impious superstition of idolatry; to wit, that they shall not have the right of testating in favor of persons not of kin, but that their succession shall

[1] *Cod. Theod.*, xvi, 7, 6. "Eos, qui, cum essent Christiani, idolorum se superstitione impia maculaverint, haec poena persequitur, ut testandi in alienos non habeant facultatem sed certa his generis sui propago succedat, id est pater ac mater, frater ac soror, filius ac filia, nepos ac neptis, nec ulterius sibi progrediendi quisquam vindicet potestatem."

devolve upon their immediate relations, *i. e.* father and mother, brother and sister, son and daughter, grandson and granddaughter, nor shall any person claim power to go beyond this order.

The pagan holiday of the Maiuma was restored by a law of the twenty-fifth of April, 396,[1] but another law of the seventh of December shows that the pagans were not to enjoy any special privileges:[2]

If any privileges have been conceded by ancient law to the priests, ministers, prefects, hierophants or to any like person, by whatever name designated, let them be completely abolished. Let such persons not congratulate themselves that while their profession is known to be condemned by law they themselves are fortified by privilege.

Naturally with the waning of paganism the disused temples fell into decay and it became a question of what to do with the ruins. A law of the first of November, 397, affords a partial answer:

Since you have signified that roads and bridges over which there is much travel, and aqueducts, and, indeed, the walls of the cities, ought to be improved, if the costs could be provided, we decree that all the material, which is reported to have been provided by the demolition of the temples, be set apart for the above-mentioned necessities, by which all may be brought into good repair.[3]

[1] *Cod. Theod.*, xv, 6, 1. "Clementiae nostrae placuit, ut Maiumae provincialibus laetitia redderetur, ita tamen, ut servetur honestas et verecundia castis moribus perseveret."

[2] *Ibid.*, xvi, 10, 14. "Privilegia si qua concessa sunt antiquo jure sacerdotibus ministris praefectis hierofantis sacrorum sive quolibet alio nomine nuncupantur, penitus aboleantur nec gratulentur se privilegio esse munitos, quorum professio per legem cognoscitur esse damnata."

[3] *Ibid.*, xv, 1, 36. "Quoniam vias pontes, per quos itinera cele-

Mention has already been made of Eutropius' greatest service to orthodoxy in bringing Chrysostom to Constantinople. Apparently Chrysostom was selected by Eutropius as being one suited on account of his oratorical ability to control the populace of the capital and thus to strengthen the orthodox party, upon whose support his own power in large part depended. As Archbishop of Constantinople, Chrysostom exceeded his patron's expectations. Not long was he to serve as a foil to Eutropius; he was to become himself the leader of the East, its political as well as religious guide. Therefore, it will be well to note his attitude toward the other parties of the time. The immoralities of Eastern civilization occupied his chief thought. He was above all a moralist, and as such was rather an orator and expounder than a controversalist. Toward persons and sects he was on the whole tolerant. In fact toleration shown to the Origenistic sect was the weapon used by his enemies to accomplish his ultimate overthrow. As priest at Antioch during the period in which most of his writings were produced, Chrysostom had been engaged in the contests with pagans, Eunomians and Jews. In the contemporary *Hellenes,* or pagans, he saw many virtues, and his attitude to them is one of almost perfect toleration. It was only their morals that he attacked and therein they were often better than Christians. They despised the money for which the Christians were so eager;[1] their word was often better than that of a Christian. However, as a rule, they lived abominable lives and would not be

brantur, adque aquaeductus, muros quin etiam juvari provisis sumptibus oportere signasti, cunctam materiam, quae ordinata dicitur ex demolitione templorum, memoratis necessitatibus deputari censemus, quo ad perfectionem cuncta perveniant."

[1] Chrysostom, *Opera,* M. P. G. (Paris, 1858-1860), vols. 47-64, *In Evangelium Joannis sermones,* 84, 3; 51.

converted from their drunkenness and fornication. His *De St. Babyla contra Gentiles* was written to combat their follies. He argued against their belief in auguries and prophecies;[1] observances of lucky and unlucky days; the use of amulets and magic practices. He would replace these amulets by the true cross, and their magic formulas by prayer. Statues were but images of fornication. And yet, the thing least permitted to the Christian was to correct by violence the fault of sinners. They had no other recourse than persuasion, never constraint. The laws did not give the power to constrain sinners and even if they did it could not be used, for the Saviour has a crown only for those who abstain from evil by free will alone. While he would avoid pagans it was not necessary to anathematize either the living or the dead;[2] "anathematize dogmas but spare individuals. Nothing is so sweet as vengeance against an enemy, but vengeance should be to turn the other cheek."[3] These were the ideas of the Bishop of Antioch. As Bishop of Constantinople, in actual conflict with pagan parties, we shall see that he assisted in the destruction of the pagan temples of Phoenicia.[4] In fact, he seems to have made the conversion of that province one of his chief ambitions. We shall also find him assisting Porphyry to secure the destruction of the pagan temples in Gaza.

It was not in pagan temples or pagan manners but in pagan literature that Chrysostom saw the real enemy of

[1] Chrys., *In Epistolam I ad Corinthios*, 4, 11, 29; *In Psalmum*, cxiii, 4.

[2] Chry., *Adversus Judaeos*, viii, 4; *De Lazaro Concio*, i, 5. *Hom.* 25 on *2nd Ep. to Cor.*, 3. *De non Anathematizandis vivis vel defunctis.*

[3] Chrys., *Hom. 22 on Ep. to Rom.*

[4] *Cf. infra*, p. 74.

the orthodox faith. He says little of the schools of grammarians except to complain of their severe discipline. He hated rhetoricians, as the enemies of Christianity. They had no real usefulness; they sought only vain admiration. He was always complaining that classical education was opposed to the ideas of the church.[1] He despised Plato for his commonage of wives.[2] The writings of the Greeks with their pretended science only augmented the dangerous ignorance of youth and plunged it into heavier doubts. They served to make the children admire pretended heroes who were in reality merely the slaves of their passion and vices. He would teach not Grecian fables but the fear of God, that is morality.[3] This was to be learned first at home, later in the monastery.

His attitude toward the heretics was much the same[4] as his attitude toward pagans. He denied their virtues and refuted their doctrines. It was right to repress them, to close their mouths, to deprive them of freedom of speech and to forbid their reunions. Only they must not be put to death. That it was Chrysostom who obtained the law of the fourth of March, 398,[5] which sentenced heretics to capital punishment, seems doubtful, inasmuch as it was issued only three days after his ordination and contradicted his general attitude towards heresy. However, he did work earnestly against the heterodox. He offset the nightly processions of the Arians at Constantinople with displays

[1] Chry., *In Joan.*, 3; *Contra Judaeos et Gentiles*, 13; *De Lazaro Concio*, iii, 3.

[2] Chry., *Act. Ap.*, 4, 3-4.

[3] Chry., *Ep. to Thes.*, ii, 2, 4.

[4] Chry., *ibid. De non anathematizandis vivis vel defunctis*, 4; *De incomprehensibili dei Natura*, ii, 7; *in Matt.*, 46, 2; *In Joannen Homil.*, xli, 4; *In Tim.*, 7, 2.

[5] *Cod. Theod.*, xvi, 5, 34. *Cf. supra*, p. 63.

of his own.[1] And Gainas' attempt to gain for these Arians a church in that city he successfully thwarted.[2] He converted Scythia from Arianism by giving that province orthodox ministers who spoke their own tongue,[3] and he purged Syria of the heresy of Marcian by means of imperial edicts.[4] On his journey into Asia he restored to the orthodox many churches of the heretics. Yet even though Socrates may tell us that he took away many churches from the Novatians and Quartodecimans,[5] we know that he still allowed Sisinnius, their bishop, to preach at Constantinople.[6]

It was against the Jews and their proselyting that John Chrysostom exhibited his philippic abilities. He delivered a series of eight discourses against them at Antioch in 386, a prototype of those sweeping and unfounded accusations so commonly reported throughout the whole middle age. It was necessary for each Christian to prevent his brother from consorting with the Jews, even if it became necessary to constrain him.[7] Their feasts, accompanied by their ridiculous dances, were worse than revelries; their tumultuous fêtes were impure and altogether abominable; their synagogue was a place of debauchery, a cave of robbers and of wild beasts, the abode of demons; they conducted thither troops of loose women, of infamous men, than which the theatre had nothing more vile. No Jew

[1] Soc., *op. cit.*, vi, 8; Soz., *po. cit.*, viii, 8.

[2] Soz., *op. cit.*, viii, 4, 8; Soc., *op. cit.*, vi, 8; Theod., *op. cit.*, v, 32.

[3] Theod., *op. cit.*, v, 30-31.

[4] Theod., *op. cit.*, v, 31.

[5] Soc., *op. cit.*, vi, 19.

[6] Soc., *op. cit.*, vi, 22.

[7] Chry., *1st Hom. against the Jews; Hom. on the Ep. of Paul*, x, 1.

adored God. They did not know the Father; they had crucified the Son; they repulsed the Holy Spirit. They were rich, intriguing, quarrelsome, and superstitious. They trafficked on the public credulity by means of amulets and enchantments for curing evil; pawnbrokers, vile merchants, men without consciences, enemies of God, what crimes had they not committed? They had put to death their prophets, sacrificed to demons their sons and daughters, trampled under foot all the laws of nature. One does not know how much impiety and cruelty prevails among them. . . . The prophet says that every one of them had followed his neighbor's wife with a furious passion. Addicted to their bellies, greedy for present fortune, they were gormandizers and lascivious to such a degree that they were in no way superior to beasts. They knew but one thing, to be slaves to their gluttony, to become intoxicated, to vie for dances. If one would recount their robberies, their avarice, their treasons, their miserable practices, one day would not suffice. And it is with such a class that Christians would pray and feast.[1]

Chrysostom, who had been elected archbishop of Constantinople, hurried there under military escort to avoid trouble with his congregation at Antioch. He was consecrated in February, 398, just in time to play an active part in an interesting political situation.

Eutropius' supremacy in Eastern affairs did not improve the relations between East and West. He was fearful of the power and claims of Stilicho,[2] and consequently eagerly grasped an opportunity offered him by Count Gildo in 397

[1] Chry., *1st Hom. against the Jews*, 6, 7.

[2] We might infer this from a severe law passed September 4, 397, against treason, *Cod. Theod.*, ix, 14, 3, which indicates that Eutropius was in mortal fear of someone.

to weaken his rival in Italy and strengthen his own power by the acquisition of Rome's source of supplies, the province of Africa. The history of the revolt belongs to the story of Africa and the fortunes of African heresy and paganism,[1] but it had far-reaching effects in the East as well. It was in the midst of this revolt that Chrysostom was secured by Eutropius, perhaps to offset any evil effects that might ensue from the alliance with African paganism and heresy. The permanent settlement of both the political and religious situations for the East followed almost immediately upon the failure of this revolt and the dissolution of the alliance with the African rebel.

Following closely upon the failure of his African plans, Eutropius found himself face to face with a revolt in the East, which had been plotted against his tyrannical government by the leaders of the Arian-Gothic party. The leaders of the revolt were Gainas and his relative Tribigild.[2] Though we might look for Stilicho to aid Gainas on account of past associations, there is no evidence that he did so. Tribigild, with the troops of Phrygia which were under his command, commenced to plunder that district. The inability of the eunuch or his generals to bribe or conquer the rebels led to the fall of Eutropius.[3] Seeing his end approaching, he fled to Chrysostom,[4] despite the fact that he had probably offended his one-time patron by

[1] *Cf. infra,* ch. iii.

[2] Zos., *op. cit.,* v. 13 *et seq.;* Soc., *op. cit.,* vi, 6; Soz., *op. cit.,* viii, 4; Claudian ignores Gainas. Claudian, *In Eut.,* ii.

[3] Zos., *op. cit.*. v, 17; Philostorgius, *op. cit.,* xi, 6, attributes Eutropius' fall to the righteous wrath of Eudoxia. Neither Claudian nor Chrysostom assign any cause for the fall.

[4] Chry., *Hom. in Eut.;* Soc., *op. cit.,* vi, 5; Soz., *op. cit.,* viii, 7; Zos., *op. cit.,* v, 18.

having abolished the right of asylum.[1] Chrysostom protected him but took the occasion to deliver homilies against him. Promised his life, Eutropius was banished to Cyprus only to be recalled, tried and slain at Chalcedon.[2] The code preserves evidence of this fall [3] in an edict confiscating all his property, decreeing all of his acts void and ordering the destruction of all his statues and paintings in order that the memory of his rule might be blotted out. His fall was a blow for the Roman, anti-Germanic party, *i. e.*, the orthodox. It was followed by Gainas demanding an interview with the emperor at Chalcedon,[4] where an agreement was affected by which Gainas was to continue as master of the militia in the East and Tribigild and the Goths were to be transported into Europe. Gainas also compelled the surrender of the leaders of the Roman party —Aurelian, Saturninus and John.[5]

In this unsettled state Chrysostom by means of his influence with the people of Constantinople seems to have become more and more dominant. He stood in the way of Gainas' restoring the Arians to full rights,[6] and his services were so necessary that the emperor could not spare him from the city long enough to permit his taking a trip through the Asiatic provinces where the churches were in need of supervision. Chrysostom's general tolerant policy permitted him to work more or less in harmony with the anti-Roman party. An early edict of the party newly in-

[1] *Cod. Theod.*, ix, 45, 3; Soz., *op. cit.*, viii, 7; Zos., *op. cit.*, v, 13; Soc., *op. cit.*, vi, 5; Claudian, *In Eut.*

[2] Zos., *op. cit.*, v. 18, in the summer of 399.

[3] *Cod. Theod.*, ix, 40, 17; Zos., *op. cit.*, v, 18; Phil., *op. cit.*, xi, 6.

[4] Zos., *op. cit.*, v, 18.

[5] Zos., *op. cit.*, v, 18.

[6] Soc., *op. cit.*, vi, 6; Soz., *op. cit.*, viii, 8.

vested with power restored on the sixth of July, 399, certain rights to the Eunomians.[1]

We remit to the Eunomians the punishment which takes away the right of making wills and of changing the status of subjects [to that of citizens]. We grant them the free right of disposing of their goods as they wish and of receiving gifts from others. Let them abstain from assemblages and all illicit gatherings, and let them know that meetings are forbidden them or punishments will follow; for the manager of an estate or the stewards of an urban home in which profane mysteries shall have been celebrated shall suffer capital punishment and the possessions and home shall be confiscated, if the owner knew and failed to forbid the transgression of our command. Moreover let the ministers of this criminal sect who falsely call themselves bishops who shall have been discovered in any gathering be deported and all of their goods be confiscated.

The new coalition was anti-pagan. It proceeded by a law of the second of October, 397, to forbid the pagan celebration of the Maiuma which had been permitted in 396: "We permit the sports to be held, lest excessive restriction cause gloom. We forbid, however, that foul and indecent spectacle Maiuma, which is merely another name for insolent license." [2]

[1] *Cod. Theod.*, xvi, 5, 36. "Eunomianis poenam adimendae testamenti factionis peregrinorumque mutandae condicionis remittimus. Patimur eos et donandi e suis facultatibus, ut velint, et dono rursus ab aliis accipiendi habere liberam potestatem. Conciliis vero abstineant, coetus inlicitos derelinquant et sciant sibi interdictas esse collectiones aut poenas paratas, ita ut fundi procurator vel domus urbanae villicus, in quibus profana mysteria fuerint celebrata, ultimo supplicio feriantur ipsaque possessio et domus fisco vindicetur, si sciente domino et non prohibente nostrae jussioni fuerit obnisum. Praeterea ministri sceleris, quos falso nomine suo antistites vocant, si in collectione aliqua fuerint comprehensi, deportentur omnibus bonis ablatis."

[2] *Ibid.*, xv, 6, 2. "Ludicras artes concedimus agitari ne ex nimia

There was also a renewed attack on pagan temples. A law of the tenth of July, 399, provides for the destruction of rural shrines: "If there be any temples in the fields let them be destroyed but without collecting crowds or raising disturbance. All sources of superstition will be removed by their suppression."[1] Whether or not Chrysostom was personally responsible for the passage of this law we cannot say, but we do know that he took advantage of it to organize bands of monks for the destruction of the pagan temples of Phoenicia. Funds for this work were donated by certain of his pious female friends.[2] And when Porphyry of Gaza wanted to secure the destruction of the pagan temples of his province he received assistance from Chrysostom. The story of what befell Porphyry at Constantinople has been told by Mark the Deacon, one of his companions. As an exposition of the inner workings of politics and religion at the court of Arcadius it is worth quoting.

The bishops set sail from Caesarea and reached Rhodes in ten days, where they visited a holy hermit named Procopius, who was gifted with second sight, and told them all that would befall them when they should arrive at Byzantium. The voyage to Byzantium occupied likewise ten days. Having secured lodgings, they visited the patriarch, John Chrysostom, on the morrow of their arrival. "And he received us with great honor and courtesy, and asked us why we undertook the fatigue of the journey, and we told him; and when

harum restrictione tristitia generetur. Illud vero quod sibi nomen procax licentia vindicavit, Maiuma, foedum adque indecorum spectaculum, denegamus."

[1] *Cod. Theod.*, xvi, 10, 16. "Si qua in agris templa sunt, sine turba ac tumultu diruantur. His enim dejectis atque sublatis omnis superstitioni materia consumetur."

[2] Theod., *op. cit.*, v, 29; Chry., *Ep.*, 50, 51, 52, 53, 54, 55, etc. Even after his exile Chrysostom continued to write letters urging the completion of this work.

he learned the reason he recollected that on a former occasion we made this petition by letter, and recognizing me (Marcus) greeted me kindly. And he bade us not to despond, but to have hope in the mercies of God," and said, "I cannot speak to the Emperor, for the Empress excited his indignation against me because I charged her with robbery and theft. And I am not concerned about his anger for it is themselves they hurt and not me, and even if they hurt my body, they do the more good to my soul. . . . To-morrow I shall send for the eunuch Amantius, the chamberlain of the Empress, who has great influence with her and is really a servant of God. and I shall commit the matter to him, and if God consents all will go well." Having received these injunctions and a recommendation to God, we proceeded to our inn. And on the next day we went to the bishop and found in his house the chamberlain Amantius, for the bishop had attended to our affair and had sent for him and explained it to him. And when we came in Amantius was told we were the persons of whom he had heard, he stood up and did obeisance to the most holy bishops, inclining his face to the ground, and they, when they were told who he was, embraced him and kissed him. And the most holy Archbishop John bade them explain orally their affairs to the chamberlain. And the most holy Porphyrius explained to him all the affairs of the idolaters, how licentiously they performed the unlawful rites and oppressed the Christians. And Amantius, when he had heard this wept, and was filled with zeal for God, and said to them, "Be not despondent, fathers, for Christ can shield this religion. Do you therefore pray and I will speak to the Empress. And I trust in the God of the Universe that He will show mercy according to His Wont." With these injunctions he departed; and having conversed on many spiritual topics with the archbishop John, and received his blessing, we withdrew.

The next day, the chamberlain, Amantius, sent two deacons to bid us come to the Palace and we rose and proceeded with all expedition. And we found him awaiting us, and he took

the two bishops and introduced them to the Empress Eudoxia. And when she saw them she saluted them first and said, "Give me your blessing fathers." And they did obeisance to her. Now she was sitting on a golden sofa. And she said to them, "Excuse me, priests of Christ, on account of my situation, for I was anxious to meet your sanctity in the antechamber. But pray God on my behalf that I may be delivered happily of the child which is in my womb." And the bishops, wondering at her condescension, said, "May He who blessed the womb of Sarah and Rebecca and Elizabeth, bless and quicken the child in thine." After further edifying conversation, she said to them, "I know why you came, as the chamberlain Amantius explained it to me. But if you fain would instruct me, fathers, I am at your service." Thus bidden, they told her all about the idolaters, and the impious rites which they fearlessly practiced, and their oppression of the Christians, whom they did not allow to perform a public duty nor to till their lands, "from whose produce they pay the dues to your imperial majesty." And the empress said, "Do not despond; for I trust in the Lord Christ, the Son of God, that I shall persuade the king to do these things that are due to your saintly faith and to dismiss you hence well favored. Depart, then, to your privacy, for you are fatigued and pray God to grant my request." She then commanded money to be brought and gave three darics apiece to each of the most holy bishops, saying, "In the meantime take this for your expenses." And the Bishops took the money and blessed her abundantly and departed. And when they went out they gave the greater part of the money to the deacons who were standing at the door, reserving little for themselves.

And when the Emperor came into the apartment of the Empress, she told him all touching the bishops, and requested him that the heathen temples of Gaza should be torn down. But the Emperor was put out when he heard it and said, "I know that city is devoted to idols, but it is loyally disposed in the matter of taxation and pays large sums to the revenue. If then we overwhelm the pagans with sudden terror, they

will betake themselves to flight and we shall lose much of the revenue. But if it must be, let us afflict them partially, depriving idolaters of their dignities and other public offices, and bid their temples be shut up and be used no longer. For when they are afflicted and straitened on all sides they will recognize the truth but an extreme measure coming suddenly is hard on subjects." The Empress was very much vexed at this reply, for she was ardent in matters of faith, but she merely said, "The Lord can assist his servants, the Christians, whether we consent or decline."

We learned these details from the chamberlain Amantius. On the morrow the Empress sent for us, and having first saluted the holy bishops according to her custom, she bade them sit down. And after a long spiritual talk, she said, "I spoke to the Emperor and he was rather put out. But do not despond, for, God willing, I cannot cease until ye be satisfied in your holy purpose." And the bishops made obeisance. Then the sainted Porphyrius, pricked by the spirit, and recollecting the word of the thrice blessed anchorite, Procopius, said to the Empress, "Exert yourself for the sake of Christ, and in recompense for your exertions He will bestow on you a son whose life and reign you will see and enjoy many years." At these words the Empress was filled with joy and her face flushed, and new beauty beyond that which she already had, passed into her face; for the face shows what passes within. And she said, "Pray, fathers, that according to your word, with the will of God, I may bear a male child, and if it so befall, I promise you to do all that you ask. And another thing, for which ye ask not, I intend to do with the consent of Christ; I will found a church at Gaza in the center of the city. Depart then in peace and rest quietly, praying constantly for my happy delivery; for the time of my confinement is near." The bishops commended her to God and left the Palace. And prayer was made that she should bear a male child; for we believed in the words of Saint Procopius. And every day we used to proceed to the most holy John, the archbishop, and had the fruition of his

holy words, sweeter than honey and the honey comb. And Amantius, the chamberlain, used to come to us, sometimes bearing messages from the Empress, at other times merely to pay a visit. And after a few days, the Empress brought forth a male child, and he was called Theodosius after his grandfather Theodosius, the Spaniard, who reigned along with Gratian. And the child Theodosius was born in the purple wherefore he was proclaimed emperor at his birth. And there was great joy in the city and men were sent to the cities of the empire, bearing the good news, with gifts and bounties.

But the Empress, who had only just been delivered and risen from her bed of confinement, sent Amantius to us with this message, "I thank Christ that God bestowed on me a son on account of your holy prayers. Pray, then, fathers, for his life and for my lowly self, in order that I may fufill those things which I promised you, Christ himself consenting through your holy prayers." And when the seven days of her confinement were fulfilled, she sent for us and met us in the door of her chamber, carrying in her arms the infant in the purple robe. And she inclined her head and said, "Draw nigh, fathers, unto me and the child which the Lord granted to me through your prayers." And she gave them the child that they might seal it with God's signet. And the holy bishops sealed both her and the child with the sign of the cross, and offering a prayer sat down. And when they had spoken many heart-felt words, the lady said to them, "Do you know, fathers, what I resolved to do in regard to your affair?" If Christ permit, the child will be privileged to receive holy baptism in a few days. Depart then and compose a petition and insert in it all the requests you wish to make. And when the child comes forth from the holy baptismal rite, give the petition to him who holds the child in his arms; but I shall instruct him who holds the child what to do, and I trust in the Son of God, that He will arrange the whole matter according to His loving kindness." Having received these directions we blessed her and the infant and went out.

Then we composed the petition, inserting many things in the document, not only as to the overthrow of the idols, but also what privileges and revenues should be granted to holy church, and the Christians; for holy church was poor.

The days ran by, and the day on which the young Emperor Theodosius was to be illuminated (baptized) arrived. And all the city was crowned with garlands and decked in garments entirely made of silk and gold jewels and all kind of ornaments, so that no one could describe the ornaments of the city. One might behold the inhabitants multitudinous as the waves, arrayed in all manner of various dresses. But it is beyond my power to describe the brilliance of that pomp; it is a task for those who are practised writers, and I shall proceed to my present true history. When the young Theodosius was baptized and came forth from the church to the Palace, you might behold the excellence of the multitude of the magnates and their dazzling raiment, for all were dressed in white and you would have thought the multitude was covered with snow. The patricians headed the procession, with the *illustres* and all the other ranks and the military contingents, all carrying wax candles, so that the stars seemed to shine on earth. And close to the infant, who was carried in arms, was the Emperor Arcadius himself, his face being cheerful and more radiant than the purple robe he wore. And one of the magnates carried the infant in brilliant apparel. And we marvelled beholding such glory.

Then the holy Porphyrius said to us, "If the things which soon vanish possess such glory, how much more glorious are the things celestial, prepared for the elect, which neither eye hath beheld nor ear heard, nor hath it entered into the heart of men to consider."

And we stood at the portals of the church with our written petition, and when he came forth from the baptism, we called out aloud, saying, "We petition your Piety," and held out the paper. And he who carried the child seeing this and knowing our anxiety, for the Empress had instructed him, bade the paper be showed to him, and when he received it,

halted. And he commanded silence and unrolled a part and read, and folding it up, placed his hand under the head of the child and cried out, "His majesty has ordered the requests contained in the petition to be ratified." And all who saw, marvelled and did obeisance to the Emperor, congratulating him that he had the privilege of seeing his son an emperor in his lifetime; and he rejoiced thereat. And that which had happened for the sake of her son was announced to the Empress, and she rejoiced and thanked God on her knees. And when the child entered the Palace, she met it and received and kissed it, and holding it in her arms greeted the Emperor, saying, "You are blessed, my lord, for the things which your eyes have beheld in your lifetime." And the king rejoiced thereat. And the Empress seeing him in good humor, said, "Please let us learn what the petition contains that its contents may be fulfilled." And the Emperor ordered the paper to be read, and when it was read, said, "The request is hard, but to refuse is harder, since it is the first mandate of our son."

The petition was granted and Eudoxia arranged a meeting between the quaester, one of whose offices was to draft the imperial rescripts and the bishops, that all the wishes of the latter might be incorporated in the edict. The execution of it which was invidious and required a strong hand and will, was intrusted to Cynegius, and the bishops returned to Palestine, having received considerable sums of money from the Empress and Emperor, as well as funds which the Empress had promised for the erection of a church at Gaza.[1]

The supremacy of the Arian-orthodox coalition was of short duration for a counter-revolution soon restored the

[1] Translation by Bury, *The Later Roman Empire* (London, 1889), vol. i, pp. 199 *et seq.*, from Marcus' *Life of Porphyry*—printed by Haupt in the *Abhandlungen* of the Berlin Academy for 1879. The translation is slightly condensed and emended. It is interesting to note that Zos., *op. cit.*, v, 18, states that many people said that John was the father of Theodosius.

pagan-orthodox alliance. In July, 400, Gainas scenting danger withdrew from Constantinople and the inhabitants rose and slew the Gothic soldiers. Fraviatta, of the pagan party, was sent in pursuit of Gainas and finally overpowered him. Shortly after this victory Aurelian and the other Roman hostages escaped and returned to the capital. Caesarius, the tool of Gainas, was deposed and imprisoned, and Aurelian was restored to power. Fraviatta was rewarded with the consulship in 401.

The restoration of the Roman orthodox party virtually settled the question of race and religion in the East. The East was to be neither Arian nor barbarian—nor ultimately pagan, for the temporary alliance of the orthodox with the pagan was another case of the lion and the lamb—orthodoxy soon devoured weakening paganism.

We possess as a solitary example evidence as to what probably happened to many of the old Romans. Synesius of Cyrene (c. 365-413) came to Constantinople [1] while the struggles just narrated were in progress. At that time he was a pagan, a member of the old Roman party. He was thrown in contact and alliance with the orthodox. He tells that he even frequented their churches. When the struggle was over he returned to Cyrene and there became a Catholic bishop. So slight was the change necessary for the transfer from his paganism to Catholicism that we search in vain in his writings to detect the period at which it occurred. Of an old pagan family, he had been educated at Alexandria in the school of Hypatia, that famous exponent of Neoplatonism. And as a Catholic bishop he still preserved his friendship for Hypatia and his Neo-platonic doctrines. He was but superficially acquainted with

[1] Seeck, *Philologus,* lii, p. 442.

the Bible, knew nothing of ecclesiastical canons, and was totally ignorant of church tradition or the fathers. In his letter to discuss his election as bishop he says: [1]

I am married; God and the law and the sacred hand of Theophilus gave me my wife and I do not wish to part with her. . . . Further, philosophy is opposed to many current dogmas: I do not think that the soul is made after the body; nor that the world and all its parts will be destroyed; the resurrection as preached I count only an allegory and a sacred mystery but am far from accepting the general idea. . . . I shall be sorry to give up sports, but I will.

It was necessary for Theophilus to confirm this choice and a Cyrenan delegation to Alexandria secured this. As Chateaubriand remarks,[2] *On lui laisse sa femme et ses opinions, et on le fit évèque . . . on lui laisse sa philosophie et il resta à Ptolemaide.*

Synesius preserved an old-time pagan prejudice against monks while proving himself quite orthodox in his antipathy to heretics. In writing to Hypatia, he complains of the criticisms of the men in white and the men in black, philosophers and monks. He then describes the latter: [3]

Ignorance gives them courage and they are everlastingly ready to debate about God. Give them a chance and they start their illogical syllogisms and you are deluged with a flood of uselss words. It pays, for from their ranks come the city preachers and to be that is to hold Amaltheias (cornucopia) horn. . . . They want me to be their disciple and promise to make me in a twinkling a ready talker on all things of God and to be able to harangue days and nights together.

As to Eunomians he says,[4] " Take care that these bastard

[1] Synesius, *Opera*, M. P. G. (Paris, 1859), vol. lxvi; *Ep.* 110.

[2] *Etudes historiques*, 3.

[3] Synesius, *op. cit., Ep.*, 63.

[4] *Ibid.*, 141.

priests, these newly arrived apostles of the devil and of Quintianus, do not, without your notice, leap on the flock which you tend."

With the establishment of Roman and orthodox supremacy in the East there remained but one question unsolved, the relation of state and church. That was soon settled by the fall of Chrysostom. When there were no longer internal enemies to overcome, his great moral power was no longer of service to the Empress Eudoxia, who was then the real ruler of the East. His position soon became intolerable both to the Empress and to his own fellow bishops; and these enemies taking advantage of his tolerance toward the Origenists caused him to be deposed and banished (404). With the fall of Chrysostom the church of the East took the position it was thereafter to hold as a power inferior to and dependent upon the civil authorities.

CHAPTER III

The Revolt of Gildo

While in the East and West officials were taking advantage of racial or religious differences in a strife for power, in Africa the struggle was almost purely religious. For this reason we may study that situation more easily and with greater confidence than the complicated and obscure history which we have just outlined. For not only does the absence of the race question in Africa simplify our problem, but the sources for the African struggle between religions and creeds are much fuller and more explicit. There are the laws of the emperors and the acts of the church councils, but of even greater importance we have the voluminous writings of Augustine. The African religious situation revolved around him, and he has left us the means by which to trace in detail the development of his policy. Indeed, in his strife with the pagans and heretics were matured politics which supplanted the tolerance of Stilicho by a sectarianism even more narrow than that associated with the names of Rufinus or Eutropius. For Augustine, comprehensive as was the sweep of his intellect, had not the unclouded vision and universal outlook of the old Greek philosophers, with whom he is frequently compared. He was a defender of the faith as well as its constructive architect. As bishop and controversialist he was in the thick of the fight, and it was from this double standpoint that he became such a decisive figure in the formulation of Christian practices of intolerance. For it was Augustine who crystallized for later centuries those

theories which were to be cited as a justification of the Massacre of St. Bartholomew or the revocation of the Edict of Nantes.

Yet, while our sources are rich, we must be on our guard; for the leader in such a cause, large as may have been his outlook, was biased in writings as in action. His defence of his cause warped his judgment upon men and things just as it would that of lesser men. The authority which his name carries with it must, therefore, not mislead us as we turn to reconstruct, mainly from his own writings, the situation which called them forth.

There were naturally two antagonists to be crushed to ensure the triumph of orthodox Christianity—paganism and heresy—and Augustine's energies were directed against both. Paganism he fought from the opening of his African career, and it continued to occupy a large part of his attention for the rest of his life. At first, his opposition to paganism was hardly more than an endeavor to prevent its practices from corrupting members of the orthodox church. This changed, however, with the overthrow of the pagan Count Gildo in 398, to positive action; the bishop and his party taking the offensive and demanding the destruction of temples, statues and sanctuaries. Finally, when with the triumph of orthodoxy at the fall of Stilicho in 408, the destruction of the outward marks of paganism was turned over to the civil magistrates, Augustine's party directed their efforts to the eradication of pagan beliefs. The cults were crushed by Augustine the ecclesiastic by politics and direct action; the mythology was assailed by Augustine the theologian and philosopher. For it was this last phase of the struggle, a literary one, which produced Augustine's *magnum opus,* The City of God.[1]

[1] Begun in 413; completed in 426.

As for heresies, the Donatists, the strongest sect in Africa, were the first to engage Augustine. But as their strength was largely dependent on their alliance with the pagans, the character of Augustine's relations with them very nearly paralleled that of his attitude toward the pagans; and follows in general the same stages of development. His treatment of the Manichaeans, on the other hand, developed no new policies, in spite of their strength in Africa at this time. Augustine's attitude of toleration for this party was doubtless due to the fact that earlier in his career he had been one of its members. The conflict over Pelagianism arose after the pagan and Donatist issues had been practically settled, and this explains Augustine's attitude toward them. It was the logical development of his earlier successes. Triumphant both in theory and practices, he imposes his will on the Universal Church.[1]

We shall now trace in detail the development of the conflicts just outlined. In 395, paganism still flourished in Africa. Powerful in many parts,[2] in some it even predominated.[3] Until the overthrow of Gildo the rulers of the province were usually of the pagan party.[4] These officials worked in the closest harmony with the heretical Donatists,[5] and the orthodox were placed in a position of relative subordination. The African pagans lived in peace; no laws had been passed directly against them and

[1] Late in his life Augustine was forced into a conflict with Arianism; but his death and the triumph of the Arians lessen the importance of this struggle for our study.

[2] Carthage, Aug., *Serm.*, 12, and Arzuges, Aug., *Ep.*, 46.

[3] Calama, Aug., *Epp.* 90, 91; Sitifis, Aug., *Serm.*, 19. 6; Suffectum, Aug., *Ep.* 50; and Madaura, Aug., *Ep.* 232.

[4] Amongst such officials we notice: Probinus, Proculus, Olybrius, Probianus, Flavian, Symmachus, Hesperius and Apollodorius.

[5] Aug., *Contra litteras Petiliani,* ii, 208, 184.

as is shown by the acts of the councils and Augustine's letters, there existed very close social and business relations between them and the orthodox.

This state of affairs placed Christianity in danger of being corrupted by pagan practices and gave great concern to the heads of the church in Africa. The acts of the African synods, which have come down to us, mirror the situation in detail, and in their insistant repetition emphasize the importance of the question as they faced it.

In 393, Aurelius, bishop of Carthage, called the first of his celebrated series of African Councils, the Council of Hippo.[1] Possidius, bishop of Calama, in his *Life of Augustine,* tells us [2] that it was a "*plenarium totius Africae concilium.*" Aurelius presided and Augustine was present. The Council was concerned chiefly with matters of discipline and one of the chief of these was the regulation of the relations of Christianity to paganism. It adopted the following canons on the subject: (Can. 15) Sons of bishops ought not to give games or assist thereat. (Can. 16) The sons of bishops and those of the clergy in general ought not to marry pagans, heretics or schismatics.[3] (Can. 18) Bishops or clerics should not choose as heirs any non-Catholic, even though it be a relative. (Can. 21) No one should be ordained as bishop, priest, or deacon before he shall have converted to Catholicism all the members of his household. (Can. 33) Bishops and clerics ought not to celebrate banquets in the church unless compelled by the law of hospitality. The people should be excluded from

[1] Hefele, *Histoire des Conciles* (Paris, 1908), ii, i, 82, 97; Mansi, *Sacrorum Conciliorum Collectio* (Florence and Venice, 1759-98), iii, 932, 30; Harduin, *Conciliorum Collectio* (Paris, 1715), i, 953.

[2] Possid., *Vita Augustini,* c. vii.

[3] This was rather a common practice, as we learn from Jerome, *Ep.,* 108, 4; 107, 1; and Aug., *Ep.,* 33, 5.

such banquets whenever it is possible. (Can. 40) Under the title of Divine Scriptures one ought not to read in the church anything save the canonical writings.

The practices here denounced do not seem, however, to have ceased. For these acts were reaffirmed four years later by the third council of Carthage,[1] on the twenty-eighth of August, 397, and four years later, the fifth Council of Carthage, which met on the fifteenth and sixteenth of June, 401, complained of a continuance of the practices. In canon 60, it was stated that contrary to law banquets were being accompanied by pagan practices and Christians were being forced by the pagans to attend them, and the emperors were besought to interfere. In canon 61 another request was made of the emperors to prohibit spectacles at the theatres and other games from being given on church days.[2]

The sixth council of Carthage, which met on the thirteenth of September[3] in the same year (401), asked the emperors in conjunction with the bishops to name defenders, *defensores,* for the church (Can. 75); and (Can. 81) reaffirmed, under penalty of anathema which should extend even after death, the command that bishops should not choose pagan or heretical relatives as heirs and that they should take opportune measures to prevent such relatives from inheriting. The legislation of these early African church councils is summarized in a document, the *Statuta Ecclesiae Antiqua,* once given as the acts of the fourth council of Carthage, but, according to Hefele, now conceded to be a collection made from the acts of many ancient

[1] Hefele, *op. cit.,* ii, 1, 100-102; Mansi, *op. cit.,* iii, 733; Harduin, *op. cit.,* i, 882.

[2] Hefele, *op. cit.,* ii, 1, 126. Harduin, *op. cit.,* i, 898.

[3] Harduin, *op. cit.,* i, 903 *et seq.;* Mansi, *op. cit.,* iii, 770; Hefele, *op. cit.,* ii, 1, 125-129.

councils, Oriental as well as African, at some time before the end of the sixth century. It is of interest, however, to quote the following canons:[1] (Can. 16) A bishop shall read no pagan books and those of heretics only when necessary. (Can. 47) A cleric ought not to go on the streets or in public places unless necessary. (Can. 88) Whoever absents himself from services on a feast day and goes to a theatre ought to be excommunicated. (Can. 89) Whoever passes his time with augurs or occupies himself with incantations ought to be excluded from the church; also those who participate in Jewish superstitions or celebrate pagan holidays. (Can. 84) Let no bishop forbid anyone, be he pagan, heretic or Jew, from entering the church and hearing the word of God up to the beginning of the mass of the catechumen.

The danger of corruption from pagan customs was a real one. The enemies of the church recognized that this was taking place, and used it as an argument against the orthodox. The Manichaean, Faustus, asserted to Augustine that the orthodox[2] retained the manners of the gentiles. Augustine knew this and worked against it. We have his account[3] of how he combated the pagan practices of the Laetitia, which had crept into the church. He describes its origin:

Some were becoming openly violent, declaring that they could not submit to the prohibition of that feast day which they call Laetitia, . . . a feast, disgraced by intemperance in their temple. I explained to them the circumstances out of which this custom seems to have necessarily arisen in the Church . . . namely, that when, in the peace which came after numerous

[1] Harduin, *op. cit.*, i, 975-986; Mansi, *op. cit.*, ii, 1196-1214; Hefele, *op. cit.*, ii, 1, 102-120.

[2] Aug., *Contra Faustum Manichaeum*, xx, 23.

[3] Aug., *Ep.*, 29 (395) to Alypius.

and violent persecutions, crowds of heathen who wished to assume the Christian religion were kept back, because, having been accustomed to celebrate the feasts connected with their worship of idols in revelling and drunkenness, they could not easily refrain from pleasures so hurtful and so habitual, it had seemed good to our ancestors, making for a time a concession to this infirmity, to permit them to celebrate, instead of the festivals which they renounced, other feasts in honor of the holy martyrs, which were observed not as before with a profane design, but with similar self-indulgence.

He showed that it was not a universal practice; speaking of:

Churches beyond the sea, in some of which these practices have never been tolerated, while in others they have already been put down by the people, complying with the counsel of good ecclesiastical rulers; and as the examples of daily excesses in the use of wine in the church of the blessed Apostle Peter were brought forward in defence of the practice, I said in the first place, that I had heard that these excesses had been forbidden, but because in such a city the multitude of carnally-minded men was great, the foreigners especially,—of whom there is a constant influx,—clinging to that practice with an obstinacy proportioned to their ignorance, the suppression of so great an evil had not been possible as yet.

In one of his sermons he complained[1] of those Christians of Carthage who "sit down with false gods" under the pretense that they are merely assisting in a feast to the tutelary genius of Carthage. "It is no God you will say; because it is the tutelary genius of Carthage, (Coelestis.[2])

[1] Aug., *Serm.*, xii, 10.

[2] *Cf.* Salvian, *De Gubernatione Dei*, viii, 5, for his wrath at Coelestis about fifty years later. For cult, see G. Boissier, *Rev. des Deux Mondes*, Jan., 1895. Also *De Praedictionibus*, iii, 38; *cf. infra*, p. 106.

Do not be afraid of the threats of the ungodly . . . In an idol's temple He forbids it (submitting to allegiance)." . . . "They threaten a prison; He threatens Hell." . . . "A man has yielded to threats and been led away to the idol's temples, . . . be not afraid of the threats of the ungodly."

On St. John's day Christians were wont to plunge into the sea for purification. Augustine showed his disapproval of such a pagan practice by absenting himself from it.[1]

In the letters which Augustine exchanged with Publicola [2] we can get a good insight into the daily relations between pagan and Christian. Publicola writes:

In the country of the Arzuges it is customary, as I have heard, for the barbarians to take an oath, swearing by their false gods, in the presence of the decurion stationed on the frontier, or of the tribune, when they have come under an engagement to carry baggage to any part or to protect the crops from depredation; and when the decurion certifies in writing that this oath has been taken, the owners or farmers of the land employ them as watchmen of their crops, or travelers, who have occasion to pass through their country, hire them as if assured of their now being trustworthy. Now a doubt has arisen in my mind whether the landlord who thus employs a barbarian of whose fidelity he is persuaded, in consequence of such an oath, does not make himself and the crop committed to that man's charge to share the defilement of that sinful oath, and so with the traveler who may employ his services. I should mention, however, that in both cases the barbarian is rewarded for his services with money. Nevertheless, in both transactions there comes in, besides the pecuniary remuneration, this oath before the decurion or tribune, involving mortal sin. I am concerned as to whether this sin does not defile either him who accepts

[1] Aug., *Serm.*, 196 (Migne).

[2] Aug., *Epp.*, 46, 47 (398).

the oath of the barbarian or at least the things which are committed to the barbarian's keeping. . . .

I have also heard that my own land-stewards receive from the barbarians hired to protect the crops an oath in which they appeal to their false gods. Does not this oath defile these crops that if a Christian uses them or takes the money realized from their sale, he is himself defiled?

. . . Is it lawful for a Christian to use wheat or beans from the threshing-floor, or wine or oil from the press, if, with his knowledge, some part of what has been taken thence was offered in sacrifice to a false god? [The letter goes on to inquire about wood from an idol's grove; meat offered to idols; drinking from a fountain into which anything from a sacrifice has been cast; baths used by pagans; sedan chairs used by pagans; vegetables or fruit from the garden of a temple or priest of an idol.]

Augustine replies to these questions of Publicola, after having assured him that it is not so great a sin to swear falsely by false gods as by the true one:

If we answer this in the negative, I know not whether we could live. For, not only on the frontier, but throughout the provinces, the security of peace rests on the oaths of barbarians. . . . As we have no scruples as to air from the smoke of altars and incense from idols, . . . so also with meats, wood, etc. . . . The case you mention of a Christian on a journey overcome by the extremity of hunger; whether, if he could find nothing to eat but meat placed in an idol's temple, and there was no man near to relieve him, it would be better for him to die of starvation than to take that food for his nourishment? Since in this question it is not assumed that the food thus found was offered to the idols; for it might have been left by mistake or designedly by persons who, on a journey, had turned aside to take refreshments; or it might have been put there for some other purpose, I answer briefly thus: It is certain either that the food was offered to idols or that it

was not, or else we know nothing about it. If the food was offered, it would be better to reject it with a Christian fortitude. In either of the other alternatives it might be used in case of necessity without any conscientious scruple.

His letters to Paul [1] show his desire to secure an argumentative literature for use against the pagans, who were causing "most prolix debates." And we have Augustine's account of his debate with the old grammarian Maximus of Madaura,[2] a staunch supporter of the ancient gods. At this period Christianity as an opponent of paganism was clearly on the defensive.

But the danger threatening orthodox Christianity from paganism was relatively insignificant when compared with the Donatist peril. At this time the Donatists were so strong that they were usurping the privileges of the church. And inasmuch as they held the orthodox cult, the laws of the emperors were not applicable against them, at least not directly. They were not branded as heretics until 405.[3] And until 398 the orthodox party was so comparatively weak that it was unable to secure the application to the Donatists of the general edicts; while on the other hand, the strength of the latter enabled them to enforce the penalties of the general edicts against their schismatics,[4] especially the Maximianists. And so the orthodox were forced to the extremity of citing their enemies before the vicar.[5] Their strength was further augmented by means

[1] Aug., *Epp.*, 31, 8 (396); 42 (397).

[2] *Ibid.*, 16, 17.

[3] *Cod. Theod.*, xvi, 6, 4; xvi, 11, 2; xvi, 6, 5; xvi, 5, 38.

[4] Augustine, *Ep.*, 44, 7; *Contra Cresconium grammaticum*, iii, 59, 65; iv, 1, 1; 3, 3; 46, 55; *Enarrationes in Psalmos*, 2. This schism developed when the deacon Maximian of Carthage broke away from the regular Donatist church under its leader Primian.

[5] Aug., *Ep.*, 87, 8; *Contr. Litt. Pet.*, ii, 84, 184; 58, 132.

of an efficient instrument which they possessed in their bands of fanatic *circumcelliones*[1] for overpowering or terrorizing adversaries.

The relative power of the two parties was greatly affected by a change of leaders in 391-2. For the orthodox Augustine was ordained priest at Hippo, and Aurelius succeeded Genethlius at Carthage. While Genethlius had been of so mild a disposition that he would quarrel with no one, his successor, Aurelius, as well as Augustine, was of the fighting type. In the Donatist camp, the very successful leader Parmenian was replaced by Primian, who soon had on his hands a schism of his own, that of the Maximianists.[2] The zeal of the new and energetic leaders of the orthodox at first was limited to persuasion and propaganda, as is shown in the Acts of the Councils and Augustine's writings.

The council of Hippo, whose canons against paganism we have already mentioned,[3] enacted canons relative to heresy and schism. Sons of bishops or clerics were not to marry heretics or schismatics (Canon 16). Orthodox bishops and clerics were not to leave their property to non-Catholics (Canon 18), and the former prescription of the councils, according to which Donatist clerics were to be received into the church only as laics, should conserve its force except for those who had never rebaptized or who should have re-entered the church with their whole parish. (Such ones might retain their ecclesiastical dignities.) They might do this if Rome agreed. Rome also was to be consulted as to whether infants baptized should be received at the altar (Canon 41).

[1] The *circumcelliones* were pillagers who traversed the country, burning and plundering. They included escaped slaves, *coloni,* and even oppressed curials. In fact, they represented a social revolt.

[2] Aug., *Ep.,* 43, 9, 26; *Contr. Cresc.,* iv, 6, 7.

[3] *Supra,* p. 87.

The *Statuta Ecclesiae Antiqua*[1] states: That a cleric should avoid dinners and the company of heretics and schismatics (Canon 70); that the reunions of heretics ought not to be called churches but rather conventicles (Canon 71): that no one ought to pray or chant psalms with heretics (Canon 72); that bishops should forbid no one, be he pagan, heretic, or Jew, from hearing the word of God up to the beginning of the mass of the catechumens (Canon 84); that if a Catholic should take a case of his own before a heretical tribunal or judge he should be excommunicated (Canon 87); and that before every tribunal the conduct and religion both of the accused and of the complainant ought to be investigated (Canon 96).

In this situation Augustine tried to secure literature from Jerome[2] against the heretics. He complained to the authorities and asked for an investigation regarding rebaptisms.[3] His activities were so pronounced as to incite an attempt on his life.[4]

But his chief efforts were directed toward the conversion of the Donatists through the medium of conferences. He asked for a conference with Proculian, the Donatist bishop of Hippo.[5] His request was most humbly stated. He addressed Proculian as "*Dominus honorabilis et delectissimus,*" and allowed to him the entire choice as to whether the conference be public or private, or the mere exchange of letters. But Proculian disdainfully would not debate. Powerful as were the efforts of Aurelius and Augustine for the conversion of their opponents, results would nec-

[1] *Supra,* p. 88.

[2] Aug., *Ep.,* 40, 9.

[3] Aug., *Epp.,* 34, 35.

[4] Possid., *Vita Aug.,* 10 and 13; Aug., *Ep.,* 35, 4; *Enchiridion,* 17.

[5] Aug., *Epp.,* 33, 34, 35 (396 A. D.).

essarily have been slow in arriving had it not been for a strategic misstep on the part of their opponents.

The event of first instance in deciding the final triumph of orthodoxy was the revolt of Gildo in 397-8. Ordinarily historians treat of this rebellion as being solely the result of a political agreement between the leaders in Africa and the East, namely, Gildo and Eutropius. In reality it was far more than a political disturbance: it was based on the religious differences of Africa; it was a part of the conflict between religions and creeds. It was the already existing struggle between the pagan-Donatist and the orthodox parties that afforded the opportunity for Eutropius and Gildo. Then Stilicho in order to maintain Roman supremacy found it to his advantage to take sides with the orthodox, and this increase of strength afforded the impetus which started orthodoxy on its way to supremacy. The eventual victory of the orthodox was thus due indirectly to the alliance of Gildo with Eutropius and directly to the aid of the tolerant Stilicho.

Gildo was count of Africa.[1] His ambition to secure greater independence for himself led him to enter into negotiations with Eutropius for the transfer of Africa to the dominion of Arcadius.[2] Gildo received his chief support from the pagan-Donatist party; himself a pagan, he had as chief satellite and councillor Optatus, the Donatist bishop of Thamugadi, often spoken of as *Optatus Gildonianus.*[3] As has been mentioned above,[4] his support of the Donatists was won by the policy of protect-

[1] Orosius, *op. cit.*, vii, 36; Marcellin, *Chron.*

[2] Claudian, *In. Eut.*, i, 399-410; *De Bell. Gild.*, 235, 245; *In St.*, i, 270-295; Zos., v, 11.

[3] Aug., *Contr. Litt. Pet.*, ii, 23; *De Baptismo*, ii, 16.

[4] *Supra*, p. 86.

ing them with the troops of the province. Africa being the granary for Rome,[1] it was more than a religious motive which caused Stilicho to act and act immediately. The Senate was called to consider the situation; Gildo was declared a public enemy,[2] and an expedition was fitted out to proceed against him. Here Stilicho showed his grasp of the religious situation. He did not deem it necessary to prepare a large army. What he did, was so to organize the expedition as to profit by the religious discontent in Africa. He gave the command to Mascezel, a brother of Gildo,[3] who was an orthodox Christian. Then Mascezel, having sailed from Pisa[4] with a small army, stopped at the Island of Capraria, in order to recruit a religious force. The pagan poet Rutillus Namatianus tells us[5] that Capraria was given over to the monks. Orosius shows that these monks played an important part in the campaign: "Mascezel went to the Island of Capraria from whence he took with him saintly servants of God, won by his prayers, continuing with these, haranguing, fasting and singing psalms day and night, he won a victory without a battle and vengeance without slaughter."[6] Petilian, the Donatist bishop of Africa, later accused Augustine of introducing monks into Africa.[7] Apparently Augustine stimulated the monks to come to his rescue. We have an interesting letter from

[1] Claudian, *de Cons. St.*, i, 270-280.

[2] Claudian, i, *Cons. St.*, i, 325; *Bell. Gild.*, 380 *et seq.*

[3] Orosius, *op. cit.*, vii, 36.

[4] Claudian, *de Bell. Gild.*, 483-504.

[5] Rutillius Namatianus, *op. cit.*, i, 439-448.

[6] Orosius, *op. cit.*, vii, 36.

[7] Aug., *Contr. Litt. Pet.*, iii, 48. Ferrère, *La situation religieuse*, p. 4, believes this testimony without value because the monks came with Mascezel; *cf.* Possid., *op. cit.*, cc. 5-11.

Augustine to these monks.[1] In this he tells of the grievous position in which he is placed, complains that his burden is so heavy that he can scarcely bear it, and then exhorts the brothers as follows: "if the Church our Mother demands active service, guard both against a too sharp or impatient ardor and against the solicitations of a too great love of repose but obey humbly and submit to God who governs you. . . . Do not prefer repose to the necessities of the church."

Mascezel, by taking advantage of the religious forces, won a complete victory.[2] The pagan-Donatist party was completely overthrown. Gildo either was slain[3] or committed suicide.[4] Optatus, the Gildonite, was one of the first accused as a satellite of the rebel.[5] He was thrown into prison and died there. His party accused Augustine of having been accessory to his death, and later venerated him as a martyr. Partisans of the revolt were still being pursued with severity as late as 409.[6] The fall of this party was not, however, immediately followed by a grand triumph for their adversaries. Mascezel, himself, did not succeed to the position made vacant by the death of his brother, for Stilicho would no more favor a narrow religious partisanship in Africa than at Rome. According to Zosimus,[7] Mascezel was drowned at Stilicho's command. Orosius merely states that his end was a just retribution for having profaned a church.[8] Two imperial

[1] Aug., *Ep.*, 48 to Eudoxius and Brothers.

[2] Zos., *op. cit.*, v, 11; Claudian, *de Con. St.*, i, 248-269.

[3] Claudian, *de Cons. St.*, i, 248-269.

[4] Zos., *op. cit.*, v, 11.

[5] Aug., *Contr. Litt. Pet.*, ii, 209; *Ep.*, 76, 3.

[6] *Cod. Theod.*, ix, 40, 19; ix, 39, 3; ix, 42, 16; ix. 42, 19; vii, 8, 7; vii, 8, 9.

[7] Zos., *op. cit.*, v, 11.

[8] Orosius, *op. cit.*, vii, 36.

functionaries, Counts Gaudentius and Jovius,[1] were sent into Africa as direct representatives of the crown and numerous specific edicts were issued to bear directly on the African situation. These new laws seem intended to repress any unlawful acts on the part of pagans or heretics rather than to give new powers to the orthodox. They reflect the mildness and the conciliatory policy of Stilicho.

During the recent period of unrest considerable injury had been done to the Catholics in certain localities by bands of *circumcelliones*.[2] Possibly as a result of this the following measure was enacted on the twenty-fifth of April, 398:

If anyone shall commit such sacrilege as to break into Catholic churches and offer injury to the priests and ministers, or the divine worship, or to the place itself, let the occurrence be reported in writing by the city councils, magistrates, curators and assistant notaries, who are called *stationarii*, to the provincial authorities, setting forth the words used by those who could be identified. And if it be alleged that the offence was committed by a great number and that they cannot all be identified, it may be possible to discover some by whose confession the name of their associates may be disclosed. And the governor (*moderator*) of the province is to understand that any insult to the priests and ministers of the Catholic Church or to the divine worship or to the place itself is to be visited with capital punishment upon the parties who are convicted or who plead guilty; nor shall he wait for the bishop to demand satisfaction for the insult to himself, since his holy character leaves him no glory save that of forgiving. It shall be not only permissible to all but quite praiseworthy to prosecute outrageous insult offered to priests or ministers as public crime and to demand the punishment of the persons guilty of such offences. And if the turbulent mob cannot be repressed by the civil

[1] Aug., *City of God*, xviii, c, 54.

[2] Aug., *De Gestis cum Emerito*, 9; *Contr. Litt. Pet.*, ii, 195, 184, 33.

authorities and the assistance of the councillors and men of property, because it defends itself by arms or the strength of its position, let the African judges, making written application to his worthiness, the Count of Africa, citing the contents of the present law and demand the support of his armed forces, in order that they who are guilty of such crimes may not escape.[1]

A law of the twenty-fifth of June, 399, reads:[2]

If the privileges of any venerable church shall have been violated by temerity or neglected through dissimulation, let the offence be punished by a fine of five pounds of gold as formerly decreed. If therefore anything has been obtained by chicane against church or clergy by heretics or men of that sort, and it is against the laws, we declare it null and void by the authority of this decree.

[1] *Cod. Theod.*, xvi, 2, 31, 398 (409, Jan. 13). "Theodoro P. P. Si quis in hoc genus sacrilegii proruperit, ut in ecclesias catholicas inruens sacerdotibus et ministris vel ipsi cultui locoque aliquid inportet injuriae, quod geritur litteris ordinum, magistratuum et curatorum et notoriis apparitorum, quos stationarios appellant, deferatur in notitiam potestatum, ita ut vocabula eorum, qui agnosci potuerint, declarentur. Et si per multitudinem commissum dicetur, si non omnes, possint tamen aliquanti cognosci, quorum confessione sociorum nomina publicentur. Adque ita provinciae moderator sacerdotum et catholicae ecclesiae ministrorum, loci quoque ipsius et divini cultus injuriam capitali in convictos sivi confessos reos sententia noverit vindicandam nec expectet, ut episcopus injuriae propriae ultionem deposcat, cui sanctitas ignoscendi solam gloriam dereliquit. Sitque cunctis non solum liberum, sed et laudabile factas atroces sacerdotibus aut ministris injurias veluti publicum crimen persequi ac de talibus reis ultionem mereri. Quod si multitudo violenta civilis apparitionis executione et adminiculo ordinum possessorumve non potuerit praesentari, quod se armis aut locorum difficultate tueatur, judices Africani armatae apparitionis praesidium, datis ad virum spectabilem comitem Africae litteris, praelato legis istius tenore deposcant, ut rei talium criminum non evadant."

[2] *Ibid.*, xvi, 2, 34. "Si ecclesiae venerabilis privilegia cuiusquam fuerint vel temeritate violata vel dissimulatione neglecta, commissum quinque librarum auri, sicut etiam prius constitutum est, condemnatione plectatur. Si quid igitur contra ecclesias vel clericos per obreptionem vel ab hereticis vel ab huiuscemodi hominibus fuerit contra leges impetratum, huius sanctionis auctoritate vacuamus."

These laws were plainly intended for the maintenance of peace and order, not for the punishment of any sect. The change in the relations of heterodox and orthodox resulted, in last analysis, not so much from new grants of power as from the appointment of officials friendly to the latter party. We shall see in the next chapter how this led to a development of orthodox power. Here we may note the effect of this change in the relations between orthodox Christians and pagans.

It was the new office-holders working in harmony with the Catholics that increased the difficulties of the pagans. The edicts actually issued against the pagans were not of an intolerant nature. Reunions for religious sacrifices were again prohibited but their works of art were preserved. A law of the twenty-ninth of January 399,[1] reads:

Just as we prohibit sacrifices, so at the same time we will that the ornaments of public works be preserved. Nor let those who try to destroy them allege any rescript or legal authority for their act. Let all writings of this kind be taken from them and referred to our attention. If they produce spurious warrants, either in their own name or in the name of others, let such warrants be given up and forwarded to us. Whoever shall have given currency to such writings must pay a fine of two pounds of gold.

Another law of the twentieth of August, addressed to the Proconsul of Africa,[2] conserves pagan feast days:

[1] *Cod. Theod.*, xvi, 10, 15. "Macrobio Vicario Hispaniarum et Procliano Vicario Quinque Provinciarum. Sicut sacrificia prohibemus, ita volumus publicorum operum ornamenta servari. Ac ne sibi aliqua auctoritate blandiantur, qui ea conantur evertere, si quod rescriptum, si qua lex forte praetenditur. Erutae huiusmodi chartae ex eorum manibus ad nostram scientiam referantur, si inlicitis evectiones aut suo aut alieno nomine potuerint demonstrare, quas oblatas ad nos mitti decernimus. Qui vero talibus cursum praebuerint, binas auri libras inferre cogantur."

[2] *Ibid.*, xvi, 10, 17. Apollodoro, Procons. Af. "Ut profanos

Although we have already suppressed profane rites by a wholesome law, yet we will not allow the festal assemblies and the common sports of the citizens to be disturbed. We decree that the sports, following ancient custom, be held for the people, together with the festive banquets, whenever the public voice demands, but without any criminal superstition or sacrifice.

On the same date,[1] the following was promulgated:

Let no one invoke our ordinances in order to attempt to destroy such temples as are free of illicit things. And in order that the status of buildings themselves be unimpaired, we decree that if anyone shall have been discovered in sacrifice, he be punished according to law, after the idols have been deposited with a magistrate, by means of such proceedings as it is even now possible to use against the cult of vain superstition.

Hydatius, writing later (fl. c. 420), speaks of the destruction of idols in Africa;[2] "In this consulship (Mallius Theodorus) the temples of the gentiles were demolished, Jovian and Gaudentius being counts." This could not have been wholly true, or the orthodox would not have been

ritus jam salubri lege submovimus, ita festos conventus civium et communem omnium laetitiam non patimur submoveri. Unde absque ullo sacrificio atque ulla superstitione damnabili exhiberi populo voluptates secundum veterem consuetudinem, inriri etiam festa convivia, si quando exigunt publica vota, decernimus."

[1] *Cod. Theod.*, xvi, 10, 18. Apollodoro, Proc. Af. "Aedes inlicitis rebus vacuas nostrarum beneficio sanctionum ne quis conetur evertere. Decernimus enim, ut aedificiorum quidem sit integer status, si quis vero in sacrificio fuerit deprehensus, in eum legibus vindicetur, depositis sub officio idolis disceptatione habita, quibus etiam nunc patuerit cultum vanae superstitionis inpendi."

[2] Hydatius, *Chron.* "His. Conss. (Manlio et Theodoro) templa gentilium demolita sunt, Joviniano et Gaudentio comitibus." Notice that Eutropius, who was consul in the East at this time, is not recognized. Then, as there should be two consuls, Hydatius has split the name of Manillius Theodorus, thus providing for his two consuls.

dissatisfied with the laws obtained. The Councils of Carthage (V and VI), of the fifteenth or sixteenth of June, and of the thirteenth of September, 401, both demand fuller authority for this work of destruction.[1]

The emperor shall be solicited to allow the remnant of idolatry in Africa to be destroyed, not only in images but in whatever sort of place, whether in groves or woods. . . . There is pressing need also to importune the religious emperors to give orders that the rest of the idols in Africa be removed, for in many maritime places and on different estates this iniquitous error still flourishes, and also to command that these be destroyed, together with the temples which are in the fields or secret places, and even those without ornaments.

Augustine himself was careful not to proceed against idols until he was sure of a law to support his action, as is shown in one of his sermons:

They say that we are enemies of their idols. May God grant that all be given into our power, as he hath already given us that which we have broken down. For this I say, beloved, you may not attempt to do, when it is not lawfully in your power to do. . . . When the land shall have been given into your power . . . then, saith He, ye shall destroy their altars and break in pieces their images. When the power has not been given we do not act; when it is given, we do not fail to use it. Many pagans have these abominations on their estates,

[1] Mansi, iii, 766; Hefele, ii, 1, 125; Harduin, i, 988, c. 15. "Item placuit, ab Imperatoribus gloriosissimis peti ut reliquiae idolatriae non solum in simulacris, sed in quibuscumque locis, vel lucis vel arboribus omnimode deleantur." *Ibid.*, i, 898 (58). "Instant etiam aliae necessitates a religiosis Imperatoribus postulandae, ut reliquias idolorum per onnem Africam jubeant penitus amputari: nam plerisque in locis maritimis, adque possessionibus diversis, adhuc erroris istius iniquitas viget: ut praecipiantur et ipsa deleti, et templa eorum, quae in agris, vel in locis abditis constituta nullo ornamento sunt, jubeantur omni modo destrui."

—do we go and break their idols in pieces? No, for our first efforts are that the idol in their hearts should be broken down. . . . They think that we are looking out for idols everywhere, and that we break them down in all places where we have discovered them. Are there not places before our very eyes in which they are? And yet we do not break them down because God has not given them into our power.[1]

In carrying on the work in Africa some trouble was encountered. The destruction or removal of the statue of Hercules in Suffectum resulted in serious riots in which sixty Christians were killed. Augustine complains of this murder:[2] "In your city there has been shed the innocent blood of sixty of our brethren; and whoever approved himself most active in this massacre, was rewarded with your applause, and with a high place in your council. . . . If you say that Hercules belonged to you we will make good your loss." At Carthage there was still a statue of Hercules which a new magistrate had permitted the pagans to gild. The Christians, irritated by its new luster, secured the permission of the magistrates of their own faith to cut off its golden beard, thus greatly offending the pagans. The people interrupted Augustine's sermon demanding the entire abolition of paganism. It seems that Aurelius, the bishop of Carthage, had stirred the people to make this demand. Augustine commended their zeal[3] and prayed them to leave the matter to the bishops. They were doing all that they could and he gave them hopes of a successful issue since God had promised the entire destruction of idolatry, and that had already transpired in different places even at Rome itself.

[1] Aug., *Serm.*, xii.

[2] Aug., *Ep.*, 50 (399).

[3] Aug., *Serm.*, 24 (ed. *Migne*), preached at Carthage, "Gratulatur fidelibus dei zelo incensis contra idola."

This statement of Augustine regarding Rome is a clear exaggeration, paganism was not yet extinct there. We know that even the Catholic senators did not dare to act openly, as is shown by a letter which Augustine addressed[1] to Pammachius, a wealthy Roman senator, son-in-law of Paula, who held possessions in Africa:

Had you not been rooted as you are in His love, you would not have dealt as you have with your African tenants (*coloni*) settled in the midst of the consular province of Numidia? . . . We desire in Africa to see such work as this by which you have gladdened us, done by many, who are, like yourself, senators in state and sons of Holy Church. It is, however, hazardous to give them this exhortation; they may refuse to follow it, and the enemies of the church will take advantage of this victory over us in the minds of those who disregard our counsel. . . . I have, therefore, thought it sufficient to ask you to read this letter with friendly boldness to any to whom you can do so on the grounds of their Christian profession.

Many years later, when writing his *City of God,* Augustine tells how the pagans were expecting the end of Christianity in 398; that there had been a prophecy that Christianity would last 365 years from the death of its founder. But no writing shows a contemporaneous knowledge of this prophecy, nor is Augustine confirmed by any other later writer. He says:

Now, in the following year, in the consulate of Mallius Theodorus, when, according to that oracle of demons or figment of men, there ought already to have been no Christian religion, it was not necessary to enquire what perchance was done in other parts of the earth. But, as we know, in the most prominent city of Carthage in Africa, Gaudentius and Jovius, officers of the Emperor Honorius, on the fourteenth day before

[1] Aug., *Ep.*, 58 (401).

the kalends of April, overthrew the temples and broke the images of the false gods.[1]

Some laws though not severe were obtained against the pagans; imperial officers came to Africa to enforce them and the temple of Celestus at Carthage was turned over to the party in power. The story is told in the *Liber de Promissionibus et Praedictionibus Dei.*[2] For years the exceedingly large and richly ornamented temple of Celestus had been vacant. The Christians wished it for their use, and accordingly on Easter a multitude of priests, among whom was Aurelius, took possession of the building. The author of the account states that he was a small boy at the ceremony, and that on entering to inspect the temple he had found an inscription, "*Aurelius pontifex dedicavit.*" The people were greatly astounded and confusing Aurelius, the bishop, with Aurelius, the emperor, they believed that this was a prophecy. This same book tells of the discovery of images hidden in the caves in Mauritania. The destruction of a fearful man-eating dragon at Rome itself is also described. Apparently the alliance between pagan and Donatist was not very binding, for upon the overthrow of Gildo, according to Augustine, the Donatists turned to help the orthodox with the destruction of paganism.[3] "For neither will the Maximianists, whose churches wherever you were able you plundered, stand against you, nor the pagans, whose temples certainly wherever you were able, you overturned and whose sanctuaries you destroyed; just as we also did."

That the pagan party at Rome was not in disgrace as the

[1] Aug., *De Civitate Dei,* 18, 53, 54.

[2] *Liber de Promissionibus et Praedictionibus Dei,* 3, 38-44, formerly attributed to Prosper.

[3] Aug., *Contr. Gaud.,* i, 38; *cf. Contr. Ep. Par.,* i, 19.

result of the African revolt at this time is evident from two appointments of the year. Mallius Theodorus, an intimate friend of Symmachus, whom Claudian eulogized in his panygeric, *De Theodoro*,[1] was made consul in the West for the year 399.[2] The other appointment was that of Flavianus, Symmachus' son-in-law, as prefect of Rome.[3] The elder Flavianus had killed himself at the battle of Frigidus. His estates then confiscated, were later restored to his son,[4] but Augustine leads one to suppose that it was only upon their becoming Christians. During the revolt of Gildo, the pagan party at Rome had remained faithful. In regard to Flavianus's appointment we have the following letter:[5]

I am in no wise able to render sufficient thanks for what you have just done regarding my son Flavianus, and although speech should be easier than action, it is possible for me to elevate mine to the level of graciousness. My gratitude is so great only because we see in Flavianus a man restored to the favor which he had lost. The senate and the whole nation testify their joy. It is difficult for the discourse of an individual to acquit the debt of so many; but in consideration of the importance of the affair, you will pardon this one who speaks so briefly. There is more merit in restoring a dignity than in conferring it; in the latter case it is chance which consents, in the former it is goodness which compels. The father of the princes, who to-day is in the heavens, has given similar examples of clemency: he restored to Flavianus many things which the course of events had caused him to lose. Honorius has received this goodness as a precious heritage, and by the advice of your greatness, he has added this act of virtue to his inheritance, thus indicating that the time, and not the intention,

[1] Claudian, *De Theodoro;* biography by Peter Paul Rubens.

[2] Symmachus, *Ep.*, 5, 6.

[3] *Cod. Theod.*, xiv, 10, 3.

[4] *Symmachus*, iv, 19.

[5] *Symmachus*, iv, 7.

has been lacking to the divine prince, whose worthy successor continues the work of clemency interrupted by cruel destiny. A very mild and august prince has crowned the acts of his father, and I wish him, in the name of the public good, always to have your like as a minister; for the ministers of a great empire who advise only just things are the instruments of a happy age. Our emperor has a spirit which comes from a divine source and a nature given entirely to virtue. . . The love of the soldiers for you and the knowledge of your usefulness have rendered his glory more dear. This is why you always make easy for him the paths of love, and keep him, absorbed as he is in the greatest things, from disdaining to consider private affairs. The public evils have vanished and dissatisfaction is no longer rife in the senate. Dignities are given to one and restored to others. We owe to a single family all that we are. But I must finish this letter, for fear lest my speech, not being equal to your clemency, may appear tiresome to your modesty. The happiness which the certainty of good service assures will serve as your recompense. I do not believe that the words of anyone whatsoever could acknowledge so great benefit. You know better than anyone else that a good conscience is the only recompense worthy of those who accord such favors. I dare, however, add yet one thing: do not cease to love in the person of Flavianus your own good offices.

CHAPTER IV

The Donatist Situation at the Fall of Stilicho

Although Stilicho had attempted to re-establish his policy of toleration for the African situation following the revolt of Gildo, this had but little effect upon the continuance of the struggle. The very fact that pagans and Donatists were no longer protected by the governor through the troops of the state, since these forces had been turned over to the orthodox, resulted in the decline in the power of the former parties and a rise in that of the latter. The orthodox, it is true, did not gain governmental support for the suppression of their enemies till 405, and were forced to rely on a campaign of pacific propaganda and persuasion. Yet these were powerful forces when wielded by such leaders as Aurelius and Augustine.

Augustine was especially active. He wrote to the inhabitants of Tubursi to point out their errors,[1] and he sought a conference (398) with Fortunius, their bishop,[2] and this time did not make the request with the same humble tone that he had formerly assumed in trying to gain a debate with Proculian.[3] He is careful to explain that he takes the initiative in the matter solely because of the deference due to age, even though it be possible to insist on Fortunius' coming to him. Nor did this bishop disdain a conference. It took place and the whole tone of

[1] Aug., *Ep.*, 43.

[2] Aug., *Ep.*, 44.

[3] *Supra*, p. 95.

Fortunius' remarks show that the Donatists were beginning to fear the orthodox. Fortunius speaks often of a threatened persecution. One of the principal endeavors of Augustine was to show him that this was a groundless suspicion. Augustine's activity was tireless. He sought next a discussion with Crispinus, Donatist bishop of Calama, and also worked with private individuals.[1] He tried to convert his cousin, Severinus;[2] stimulated the zeal of his fellow Catholics,[3] and, as we have shown above,[4] he worked with the Roman senators urging upon them the conversion of the people upon their African estates. According to the other party he worked with more zeal than discretion for he and the church were even accused of urging those same corrupt practices in the gaining of converts[5] that they attributed to their enemies. Augustine, however, states that his aim was to make the reconciliation of the two parties as simple a matter as possible; showing the Donatists that their only fault was separation, their only crime rebaptizing. If the orthodox were conscious of an increase in their power, and there were cases in which they took advantage of the temporal aids granted in the general laws against heretics,[6] Augustine states that this was only for self-defence, to repress violence or to gain freedom.[7] The Donatists on their part seem to have assumed a less uncompromising attitude. The year after Fortunius accepted Augustine's offer of a conference, Honoratus, another of their bishops, took the initiative and asked Augustine for a discussion, but he requested that the matter be

[1] Aug., *Epp.*, 51, 56, 57.

[2] Aug., *Ep.*, 52.

[3] *Ibid.*, 34, 35, 53, 58, 61, 69, 85.

[4] *Supra*, p. 105; Aug., *Ep.*, 58.

[5] Aug., *Ep.*, 66.

[6] Aug., *Ep.*, 66.

[7] Aug., *Epp.*, 51, 66, 1; 88, 7; 105, 2-4. *Contr. Litt. Pet.*, ii, 184 *Contr. Cresc.*, iii, 47-51; Possid, *Vita Aug.*, 14.

carried on by letter; in order to avoid the turmoil of a public disputation.[1] In his reply to Honoratus, Augustine took pains very carefully to set forth his arguments against the Donatists. It had been the policy of the Donatists to ignore their opponents: their altered political position and the zeal of the orthodox now at last forced them to respond to the attacks of their enemies.

Petilian, bishop of Citra, undertook to combat Augustine's arguments. His letters were immediately refuted by Augustine.[2] Petilian responded with another letter in which he attacked Augustine personally, saying that he really remained a Manichaean,[3] and that Megalius of Calama had not wished to consecrate him as bishop because of his sins. He entered a plea for religious toleration and tried to show that religious persecutions had been condemned by God.[4] This did not conflict with the attitude of Augustine, he still continued to be an advocate of conversion by peaceable means, though the church was using the force of the laws. Augustine writes: "It is not of man that we would make you afraid," and he would not even have the fines inflicted which the law allowed.

The Church Councils also show the conciliatory spirit which we have noted in Augustine's controversies. They not only made advances to the Donatists, they even proposed the terms upon which reconciliation would be accepted, even granting concession which had been denied by a Roman council. The fifth Council of Carthage,[5] of June, 401, provided that sons of Donatists might be raised to clerical positions on entering the church. The sixth Council of Car-

[1] Aug., *Ep.*, 49. [2] Aug., *Contr. Litt. Pet.*, iii, 16.

[3] Aug., *Contr. Litt. Pet.*, iii, 3, 11 *et seq.*

[4] *Ibid.*, ii, 40-46.

[5] Hefele, *op. cit.*, ii, 1; 126 *et seq.*; Harduin, *op. cit.*, i, 895.

thage,[1] which was held on the thirteenth of September of the same year, passed the following canons on this subject: (Can. 66) One should act discretely with the Donatists, but (Can. 67) it would be necessary to engage the secular judges to write official reports on the way to act with the Maximianists. (Can. 68) The Donatist clerics who entered the church might retain their offices, if it were necessary for the establishment of the peace of the church, although a council from overseas had borne on this point a more severe decision. (Can. 69) Deputies were to be sent to the Donatists to engage them to re-enter the church. They were to be informed that they would be served in regard to their sectarians, *i. e.*, the Maximianists, by the procedure with which they reproach the Catholic church of serving them. (Can. 72) One should not hesitate to baptize infants if it be not positive that they had already been baptized. (Can. 75) The emperor should be asked to name, with the cooperation of the bishops, defensores for the church.

Some Donatist bishops took advantage of the Catholic offers. The council of Mileve, of the twenty-seventh of August, 402, shows that Maximius, a Donatist bishop, returned to the Catholic party.[2]

The eighth Council of Carthage, of the twenty-fifth of August,[3] 403 continued the same broad policy. It adopted canons that: (Can. 91) Each bishop ought in his episcopal city, either himself or in conjunction with his colleagues, of the neighborhood, to enter into relations with the leaders of the Donatists to engage them, through the intermediaries of judges and civil magistrates, to send deputies on their

[1] Hefele, *op. cit.*, ii, 1, 126 *et seq.*; Harduin, *op. cit.*, i, 899 *et seq.*

[2] Hefele, *op. cit.*, ii, 1, 134; Harduin, *op. cit.*, i, 911, *can.* 88.

[3] Hefele, *op. cit.*, ii, 1, 155; Mansi, *op. cit.*, iii, 787, 1155; Harduin, *op. cit.*, i, 914.

part, having in view a general conference or colloquy on the religious questions. The letters to be written on this occasion to the civil judges shall be signed in the name of all by the Bishop of Carthage. (Can. 92) The letter destined for the Donatists was submitted by Archbishop Aurelian; it may be summed up as follows: The Donatists and the Catholics should each choose deputies to the council; they should discuss the points in dispute in order to arrive as soon as possible at eternal fraternity.

Nothing came of these attempts at reconciliation, however. The Proconsul sent out the edict advising the conferences,[1] but there was no general conference for all advances were repulsed. Primianus, the Donatist bishop of Carthage and head of the party, refused to confer with Aurelius.[2] Moreover he sent a personal circular letter to each of his bishops in explanation of this attitude.[3] A Donatist Council decided to refuse the conference.[4] The activities of the Catholics had only served to stir up their opponents. As all the overtures of the Catholic Church for a peaceful reconciliation were repulsed, a more stringent policy became necessary.

These attempts at conciliation were rendered largely fruitless through the action of the Circumcelliones, and, we may surmise, fanatics on both sides. Augustine throws the blame upon the Circumcelliones, who, he charges, not only bribed but murdered and laid waste the country.[5]

[1] *Coll. Carth.*, iii, 174; Aug., *Breviculus Collationis cum Donatistis*, iii, 4, 4; 8, 11; *Ad Don. post. Coll.*, i, i, 16, 20; 31, 53; *Serm* ii *in Ps.*, 36, 18; *Contr. Cresc.*, iv, 47, 57; *Ep.*, 88, 7.

[2] Aug., *Brev. Coll.*, iii, 4, 4; 8, 11; *Contr. Cresc.*, iv, 47, 57; *Ad Don. post. Collat.*, i, 1, 16, 20; 31, 53.

[3] Aug., *Serm.*, ii, *in Ps.* 36, 18.

[4] Aug., *Epp.*, 76, 4; 88, 7, 8; *Contr. Cresc.*, iii, 45, 49; 46, 50.

[5] Aug., *Epp.*, 43, 185; *Contr. Cresc.*, iii, 43; *Contr. Litt. Pet.*, ii, 184.

Then, in February, 400, the orthodox secured a rescript which took from the Donatists privileges formerly granted them by Julian. This is the first definite step in the process of their legal suppression.[1]

We will that an edict be posted in the most frequented places, whereby the rescript which the Donatists are said to have obtained from Julian when he was ruling, shall be produced and amendments be added in which a provision of this kind has been inserted, whereby all may know both the firm stability of the Catholic faith and the hopelessness of the Donatists who are colored with falsehood.

The Circumcelliones commanded by schismatic clerics became especially active, attacking bishops, clerics, and missionaries.[2] Restitutus was outraged;[3] Servius of Tubursi and his father were maltreated.[4] Possidius, Bishop of Calama, was surprised on the road. He succeeded in escaping to a neighboring building, but it was set on fire and he would have been burned alive had it not been for timely intervention.[5] Crispinus, the Donatist bishop, refused to punish priests for this act, so Possidius brought complaint before the proconsul, who inflicted upon Crispinus a fine of ten pounds of gold. This sentence was confirmed after an appeal to the emperor. Yet later we find

[1] *Cod. Theod.*, xvi, 5, 37. "Rescriptum, quod Donatistae a Juliano tunc principe impetrasse dicuntur, proposito programmate celeberrimis in locis volumus anteferri et gesta, quibus est huiuscemodi allegatio inserta, subnecti, quo omnibus innotescat et Catholicae confidentiae stabilita constantia et Donatistarum desperatio fucata perfidia."

[2] Possid., *op. cit.*, 13, 14; Aug., *Epp.*, 88, 6; 185, 4, 18; *Contr. Cresc.*, iii, 46, 50; 45, 49; 48, 53.

[3] Aug., *Contr. Cresc.*, iii, 48, 53; *Ep.*, 88, 6.

[4] Aug., *Contr. Cresc.*, iii, 43, 47.

[5] Possid., *Vit.*, 14; Aug., *Ep.*, 105, 2, 4; *Contr. Cresc.*, iii, 46, 50.

the Catholic bishops, among whom were Augustine and Possidius, addressing Honorius in order to obtain a remission of the fine.[1] Maximian, Catholic bishop of Bagai, was also severely treated.[2] He fled to the emperor's court with his complaints only to find there numbers of his colleagues with similar grievances.[3] According to Augustine, no tongue, no pen, could describe all the violence of the Donatists against the Catholics.[4] So the ninth Council of Carthage, of the sixteenth of June, 404,[5] decided to make known to the emperors through delegates, Theasius and Evodius, that the Donatists had disdained their advances of 403, that they had not appointed delegates as requested and that they were committing all sorts of brutalities against the bishops, clerics and churches of the Catholics. The envoys were to seek the emperor's aid for the church and its servants, and to ask him to apply to the Donatists the general laws of Theodosius against heretics and to have the governors in Africa so instructed. Augustine states that the intention was to have this law applied only in those districts where the Catholic church was suffering violence from Donatists. Awaiting the decision of the emperors, they addressed the civil magistrates, asking them to restore order and to protect Catholics, until the arrival of the imperial ordinances. Augustine, who was a member of the minority, was not in favor of the policy adopted. He was still for restoring unity by a peaceful propaganda.[6] The petition of the deputation was granted. No

[1] Aug., *Ep.*, 88, 7; 105, 2, 4; *Contr. Cresc.*, iii, 47, 51; Poss., *Vit.*, 14.

[2] Aug., *Contr. Cresc.* iii, 43; *Ep.* 185, 26, 26, 27.

[3] Aug., *Epp.*, 88, 7; 185, 7; *Contr. Cresc.*, iii, 43, 47; 45, 49.

[4] Aug., *Epp.*, 86, 6; 105, 3; 185. 18; *Contr. Cresc.*, iii, 42, 44.

[5] *Codex Can. Ec. Af. Can.*, 93; Hefele, *op. cit.*, ii, 1, 155; Harduin, *op. cit.*, i, 915.

[6] Aug., *Ep.*, 93, 17; *cf. Ep.*, 23, 7; *Ret.*, ii, 5.

emperor could tolerate the strife that had grown up following the revolt of Gildo. And so, even in the time of the tolerant Stilicho, there was secured from Honorius a series of drastic laws against the Donatists as heretics.

One of February the twelfth, 405, reads:[1]

. . . Let there be one Catholic worship, one salvation, and let the equal and self-congruent holiness of the trinity be sought. And should anyone dare to take part in the things interdicted and illicit, he shall not escape the toils of the innumerable constitutions formerly passed and the law lately laid down by our clemency. And shall perchance seditious tumults arise, let him not doubt that instigations to more serious disturbances will be suppressed.

Another of the same date[2] reads:

By the severity of this command, lest the polluted sect of the Donatists or Montanists violate divine grace by rebaptism, we abolish all occasion for deception, decreeing that assured punishment shall be meted out to men of this kind, and that these who have offended against the Catholic religion, by perverted dogma, shall undergo the avenging judgments of the law. Therefore we command that if hereafter any shall be found to

[1] *Cod. Theod.*, xvi, 5, 38. ". . . Una sit catholica veneratio, una salus sit, trinitatis par sibique congruens sanctitas expetatur. Quod si quis audeat interdictis sese inlicitisque miscere et praeteritorum innumerabilium constitutorum et legis nuper a mansuetudine nostra prolatae laqueos non evadat et si turbae forte convenerint seditionis, concitatos aculeos acrioris conmotionis non dubitet exserendos."

[2] *Ibid.*, xvi, 6, 5. "Ne divinam gratiam sub repitito baptismate polluta Donatistarum vel Montanistarum secta violaret, fallendi occasionem severitate huius praeceptionis abolemus statuentes, ut certa huiusmodi homines poena sequatur legisque censuram experiantur ultricem, qui in Catholicam religionem perverso dogmate commisissent. Jubemus igitur, ut, si quis posthac fuerit rebaptizare detectus, judici qui provinciae praesidet offeratur, ut facultatum omnium publicatione multatus inopiae poenam expendat, etc."

rebaptize, he shall be brought before the presiding judge of the province, to pay the penalty of impoverishment through the confiscation of all of his goods.

A third law of the same date [1] reads:

[1] *Cod. Theod.*, xvi, 6, 4. Hadriano, Pr. P. "Adversarios catholicae fidei exstirpare huius decreti auctoritate prospeximus. Ideoque intercidendam specialiter eam sectam nova constitutione censuimus, quae, ne haeresis vocaretur, appellationem schismatis praeferebat. In tantum enim sceleris progressi dicuntur hi, quos Donatistas vocant, ut baptisma sacrosanctum mysteriis recalcatis temeritate noxia iterarint et homines semel, ut traditum est, munere divinitatis ablutos, contagione profanae repetitionis infecerint. Ita contigit, ut haeresis ex schismate nasceretur. Inde male credulas mentes ad spem secundae indulgentiae blandus error invitat; facile est enim persuadere peccantibus, veniam prius praestitam denuo posse praestari; quae, si concedi iterum eodem modo potest, non intellegimus, cur tertio denegetur. Hi vero et servos vel homines juri proprio subditos iterati baptismatis polluunt sacrilegio. Quare hac lege sancimus, ut quisquis post haec fuerit rebaptizasse detectus, judici qui provinciae praesidet offeratur, ut facultatum omnium publicatione multatus inopiae poenam, qua in perpetuum afficiatur expendat, ita ut filiis eorum, si a paternae societatis pravitate dissentiunt, ea quae fuerint paterna, non pereant, ut, si ipsos forsitan scaevitas paternae depravationis implicuit ac reverti ad catholicam religionem malunt, adipiscendorum his bonorum copia non negetur. 1. Ea praeterea loca seu praedia, quae feralibus sacrilegiis deinceps constiterit praebuisse secretum, fisci viribus applicentur, si tamen dominus aut domina aut praesens forte fuisse aut consensum praestitisse prodetur; quos quidem justa etiam per sententiam notabit infamia. Si vero his nesciis per conductorem procuratoremve eorum in domo agitatum huiusmodi facinus comprobatur, praejudicio a praediorum publicatione suspenso inpliciti sceleris auctores cohercitos plumbo exsilium in quo omni vitae suae tempore afficiantur, accipiet. 2. Ac ne forsitan sit liberum conscientiam piacularis flagitii perpetrati intra domesticos parietes silentio celare, servis, si qui forsitan ad rebaptizandum cogentur, refugiendi ad ecclesiam catholicam sit facultas, ut eius praesidio adversus huius criminis et societatis auctores attributae libertatis praesidio defendantur, liceatque his sub hac conditione fidem tueri, quam extorquere ab invitis domini temptaverint; nec assertores dogmatis catholici ea, qua ceteros, qui in potestate sunt positi, oportet ad facinus lege constringi, et maxime convenit, omnes homines sine ullo discrimine conditionis aut status infusae caelitus sanctitatis esse custodes. 3. Sciant ii vero, qui ex supra dictis sectis iterare baptisma non

We purpose by the authority of this decree to extirpate the adversaries of the Catholic faith, and so we decree by a new constitution, that especially this sect, which in order not to be called a heresy bears the title of a schism, ought to be destroyed. For into so great crime those who are called Donatists are said to have advanced that they repeat with noxious boldness the sacred baptism, repeating the mysteries and by the contagion of sacrilegious repetition they poison men, absolved once for all by the gift of divine grace, as is the custom. Thus it happens that a heresy is born from schism. Thence, unfortunately bland error entices credulous minds into the hope of a second indulgence; for it is easy to persuade sinners that the pardon once granted may again be renewed. If this may in this manner be conceded a second time, we do not know why it should be denied a third. Indeed, they pollute both servants and free men who undergo the sacrilege of a second baptism. Wherefore by this law we decree that anyone hereafter found to have rebaptized shall be brought before the provincial judge, that having been punished by the confiscation of all of his goods he may suffer the punishment of want for all time; providing, however, that the property of the father shall not be lost to the sons if they do not hold to the parental depravity, and providing, also, that if perchance they have been attached thereto, but prefer to return to the Catholic religion, they shall not be denied the means of obtaining the property. 1. Moreover, those places or estates that shall have been found

timuerint aut qui consentiendo hoc facinus propria ruius societatis permixtione damnaverint, non solum testandi sibi, verum adipiscendi aliquid sub specie donationis vel agitandorum contractuum in perpetuum copiam denegatam, nisi pravae mentis errorem, revertendo ad veram fidem consilii emendatione correxerint. 4. Illos quoque par nihilo minus poena constringat, si qui memoratorum interdictis coetibus seu ministeriis praebuerint conniventiam, ita ut moderatores provinciarum si in contemptum sanctionis huisce consensum putaverint commodandum, sciant se viginti libras auri esse multandos officia etiam sua simili condemnatione subjuganda. Principales vel defensores civitatum, nisi id quod praecipimus fuerint exsecuti, vel his praesentibus ecclesiae catholicae vis fuerit illata, eadem multa se noverint attinendos."

to have been given over secretly to deadly sacrileges, shall be confiscated; yet only providing that the master or mistress shall be proven to have been present or to have given his or her consent; in which case a just infamy shall brand them through judicial sentence. But if a crime of this sort shall be proven to have been committed in their home without their knowledge by their tenant or manager, although the judgment of confiscation shall be suspended, the authors of the crime shall receive correction by the leaded scourge and perpetual banishment. 2. And that it may not be possible to conceal the knowledge of shameful rites carried on within the walls of the home, the faculty of taking refuge in the Catholic Church is granted to those slaves who are perchance forced to be rebaptized, that under its protection by the grant to them of freedom they may be defended against the authors of this crime and their associates; and thus preserve the faith which the masters have tried to extort from them against their will. It is not fitting that the upholders of Catholic dogma should be constrained to a misdeed by the law by which others placed in power should be constrained. All men, without discrimination as to condition or rank, should be guardians of the sanctity which flows from heaven. 3. Let those of the above sects, however, who have not feared to rebaptize, or who, by assenting to this crime, condemn themselves to be considered as of this society, know that they are forever deprived of the right of testament, or of receiving anything under the form of a donation, or of making contracts except they amend the error of their depraved mind by returning to the true faith, correcting their purpose. 4. Punished, also, equally severely shall those be who shall have connived at the interdicted gatherings and services of those mentioned above. The governors of the province shall know, if in contempt of this decree they shall have thought that consent was to be made, that they are to be fined twenty pounds of gold, their official staff suffering a like condemnation; let the leaders and defensors of the city know that, unless this which we command shall have been carried out, or if in their presence force shall

have been used against the Catholic Church, they are subject to the same penalty.[1]

By an edict of the fifth of March, 405,[2] the emperor ordered the promulgation of the edict of Unity in the other provinces. "We will that the edict of unity which our clemency had decreed for the African provinces be promulgated through the other provinces, that all may know that the one true Catholic belief in a single omnipotent God, which true belief acknowledges, must be held by all." These laws were what the orthodox had been demanding and working for. The Donatists were now legally heretics. A Donatist chronicle tells us that the persecution commenced on June the twenty-sixth.[3] The tenth council of Carthage, of the twenty-third of August, sent a synodal letter and a deputation to the emperor to thank him for having established unity at Carthage. They also decided to ask the civil judges to use their influence in the other provinces as at Carthage for the reconciliation of the Donatists with the church.[4] And on the eighth of December, 405, the emperor ordered the law to be enforced in all places by the following edict.[5] "We decree that the heretics of the Donatist superstition, no matter of what place or whether they confess or be convicted in accordance

[1] *Cf.* also the law of the same date, *Cod. Theod.*, xvi, 6, 3. "Rebaptizantium non patimur devios errores, etc."

[2] *Ibid.*, xvi, 11, 2. "Edictum quod de unitate per Africanas regiones clementia nostra direxit, per diversa proponi volumus, ut omnibus innotescat dei omnipotentis unam et veram fidem catholicam, quam recta credulitas confitetur, esse retinendam."

[3] *Liber Genealogus*, G. 627; Mommsen, *Chronica Minora*, 1, p. 196.

[4] *Codex Can. Ecc. Af.*, 94; Harduin, i, 918-919; Hefele, ii, 1, 156.

[5] *Cod. Theod.*, xvi, 5, 39. "Donatistae superstitionis haereticos quocunque loci vel fatentes vel convictos legis tenore servato poenam debitam absque dilatione persolvere decernimus."

with the law shall without delay pay the penalty due." Augustine tells us that many were converted daily and were grateful that they were freed from the heresy.[1] This statement is open to question, for the process of conversion was often the occasion for violence. Many were fined and exiled, churches were confiscated as well as private goods, and legal violence was the occasion for private vengeance.[2] Yet the Donatists were not subdued; Primianus stayed at his post in Carthage;[3] at Hippo they lost their churches yet their bishops and clerics and the Circumcelliones remained;[4] in Numidia the persecuted were in sufficient numbers to take vengeance upon their persecutors and the audacity of the Circumcelliones increased.[5] At Constantina the rival bishops mutually accused each other of violence.[6] Yet some headway was made by the orthodox. The eleventh Council of Carthage, on the thirteenth of June, 407, provided for the reorganization which became necessary with the restoration of Donatist churches, bishops and congregations.[7] Can. 99:

Communities which on quitting the Donatists have bishops, may keep them with no other authorization from a council, but if at the death of these bishops they do not wish to have their own bishop, but prefer to belong to the diocese of some other bishop, they shall be allowed to do so. Also it is suggested that whatever bishop shall have converted any community before the publication of the edict of union of the emperor, these

[1] Aug., *Epp.*, 185, 7; 93, 5, 16; *Epp.*, 93, 1, 2; 89, 8; *Coll. Carth.*, 1, 129.

[2] Aug., *Epp.*, 88, 11; 89, 2; 93, 12, 50; 93, 3, 10.

[3] *Coll. Carth.*, i, 14, 104.

[4] Aug., *Epp.*, 88, 8, 12; 86; 105, 2, 3; 106-108; 111, 1; *Retract*, ii, 53, 1.

[5] Aug., *Epp.*, 88, 1, 8; 108, 5, 14; 6, 18; 111, 1; *Contr. Cresc.*, iii, 43, 47.

[6] *Coll. Carth.*, i, 139, 201.

[7] Harduin, *op. cit.*, i, 922; Hefele, *op. cit.*, ii, 1, 157.

same ought to retain them; but after the publication of the edict, it is fit that Catholic bishops of the neighborhood to whom they belonged of right while they were still heretical shall claim for themselves all churches, dioceses and goods of the converted or non-converted.

Yet the continued offences of the Donatists led the council to send deputies to the emperor asking for new measures of repression.[1]

Laws intended directly to apply to the African situation were issued. They, however, in no wise show the severity towards the Donatist party that the African bishops would desire. Rather they exhibit the continued tolerance of Stilicho. The law of the fifteenth of November, 407,[2] shows indulgence for restored heretics but urges the application of the law against the uncompromising.

[1] *Cod. Can. Ecc. Af. Can.*, 99, 106, 117; Harduin, *op. cit.*, i, 919.

[2] *Cod. Theod.*, xvi, 5, 41. "Porphyrio Proconsuli Africae. Licet crimina soleat poena purgare, nos tamen pravas hominum voluntates admonitione poenitentiae volumus emendare. Quicumque igitur haereticorum, sive Donatistae sint sive Manichaei vel cuiuscumque alterius pravae opinionis ac sectae profanis ritibus aggregati, catholicam fidem et ritum, quem per omnes homines cupimus observari, simplici confessione susceperint, licet adeo inveteratum malum longa ac diuturna meditatione nutriverint, ut etiam legibus ante latis videantur obnoxii, tamen hos statim ut fuerint Deum simplici religione confessi, ab omni noxa absolvendos esse censemus, ut ad omnem reatum, seu ante contractus est seu postea quod nolumus contrahitur, etiamsi maxime reos poena videatur urgere, sufficiat ad abolitionem, errorem proprio damnavisse judicio et Dei omnipotentis nomen, inter ipsa quoque pericula requisitum fuisse complexum, quia nusquam debet in miseriis invocatum religionis deesse subsidium. Ut igitur priores quas statuimus leges in excidium sacrilegarum mentium omni exsecutionis urgueri jubemus effectu, ita hos, qui simplicis fidem religionis licet sera confessione, maluerint, censimus datis legibus non teneri. Quae ideo sanximus, quo universi cognoscant nec profanis hominum studiis deesse vindictam et ad rectum redundare cultum, legum quoque adesse suffragium."

Notwithstanding that crimes are ordinarily purged by penalty, nevertheless we wish to correct the depraved will of man by the admonition of penitence. Therefore, whatever heretic, be he Donatist, Manichaean, or of whatever depraved opinion or sect attached to profane rites, shall receive by simple confession the Catholic faith and ceremony, which we desire shall be observed by all men, even though he may have long cherished evil by prolonged and daily meditations, so much as to appear punishable according to the laws previously given, yet despite all this, just as soon as he shall have confessed God in singleness of heart, we decree him absolved from all crime. For all guilt, no matter whether it was committed before or after we forbade it, and even though it would seem most urgently to demand punishment, let it suffice for its abolition that the guilty condemn their error in their own judgment, and embrace the name of Almighty God, even though sought in this great peril, for the aid of religion invoked in distress ought never to fail. So, just as we command that the laws formerly decreed for curbing sacrilegious spirits be rigidly enforced, so we decree that those who prefer the faith of straightforward religion, even if it be by a somewhat tardy confession, shall not be bound by the laws laid down. We decree this that all may know that, punishment is not wanting for the profane desires of men, and that there is ample support in the laws for the true worship.

This is the same spirit as is expressed in the constitution of the twenty-fifth of November, 407, preserved in the Sirmond text, which reads:

The solicitude of religious men, priests of God, in observing crimes, assiduity in advising and authority in teaching, ought alone to correct the profane spirits of the heretics and the superstition of the pagans. Neither have tenets of our laws been lacking, which should bring back those who stray to the cult of the omnipotent God by the imminent terror of punishment, and which should train the ignorant also in divine ser-

vice. But truly this same force of evil, mixing at the same time matters human and divine, now as well as it will in the future, ruins many, deceived by the depraved persuasions, and destroys for God and for us the lives of the unfortunate, which it gives up to the laws here and forces to bear judgment hereafter. Forced to this by the pertinacity of the Donatists and the fury of the pagans, which the culpable inactivity of the judges, the connivance of their officials and the contempt of law by the city councils, we feel that it is necessary to reiterate our former commands. Wherefore, we announce that all that had been decreed by us under the authority of general laws against the Donatists, who also are called *Montenses,* the Manichaeans or Priscillianists, or against the pagans, shall not only be confirmed, but also carried into full and effective execution, so that the buildings also of these sects, as well as of the Caelicolae, who have meetings of I know not what new dogma, shall be adjudged to the churches. The penalty, established by law, ought to hold those as convicted who shall have confessed themselves to be Donatists or who shall have avoided the communion of the Catholic priests under cover of a sort of left-handed religion, however much they pretend that they are Christians. Now yearly grants for the temples are to be stopped, and shall be used to help to bear the expenses of the most devoted army. Statues, if any are still standing in the temples or sanctuaries, and have received, or are receiving, any rites of paganism, shall be taken from their places, as we know this to have been already very often decreed. Let the buildings of those temples, which are in the cities or towns, or outside the towns, be confiscated to the public use. Altars in all places are to be destroyed and all temples in our domains are to be turned over to a suitable use; masters shall be forced to destroy them. Nor is it at all lawful in more unholy places, in honor of sacrilegious rites, to have a feast or to carry out any sort of solemnity. We place the right of prohibiting these acts in the hands of the bishops of the localities. We have granted the powers of execution to the *agentes in rebus,* Maximus, Julianus and Eutychus, to

carry out whatever has been decreed by general laws against the Donatists, Manichaeans and heretics of this sort, or pagans. They are to know, however, that the regular form of law is to be preserved in all cases, that all that may appear to have been done contrary to the prohibition shall immediately be turned over to the judges for judgment according to the laws. These judges indeed shall be subject to the penalty of a fine long established of twenty pounds of gold (the same being placed against their officials and city councils) if this which we have decreed shall have been neglected through their dissimulation. . . . This provision for controlling the manners and religion of men your sublimity shall call to the attention of the rulers of the provinces and command to be observed with suitable force for each person.[1]

[1] *Constitutiones Sirmondianae*, 12 (Nov. 25, 407). "Profanos haereticorum spiritus superstitionemque gentilium vel sola quidem religiosorum virorum sacerdotum dei in observendis sollicitudo criminibus, sedulitas in monendo, auctoritas in docendo emandare debuerat. Nec nostrarum tamen legum scita cessarunt, quae in dei omnipotentis cultum poenae etiam terrore proposito reducerent deviantes, ignaros quoque in ministeria divina formarent. Sed nimirum ipsa vis mali humana pariter ac divina permiscens deceptos plerosque per suasionibus pravis tam in praesens quam in futurum inpellit exitium et deo simul ac nobis perdit infelicium vitas quas et hic legibus dedit et illic cogit ferre judicium. Conpulsi igitur Donatistarum pertinacia, furore gentilium, quae quidem mala desidia judicum, coniventia officiorum, ordinum contemptus accendit, nesessarium putamus iterare quae jussimus. Quapropter omnia quae in Donatistas qui et Montenses vocantur, Manichaeos sive Priscillianistas vel in gentiles a nobis generalium legum auctoritate decreta sunt, non solum manere decernimus, verum in exsecutionem plenissimam effectumque deduci, ita ut aedificia quoque vel horum vel Caelicolarum etiam qui nescio cuius dogmatis novi conventus habent, ecclesiis vindicentur. Poena vero lege proposita velut convictos tenere debebit eos, qui Donatistas se confessi fuerint vel Catholicorum sacerdotum scaevae religionis obtentu communionem refugerint, quamvis Christianos esse se simulent. Jam vero templorum detrahentur annonae et rem annonariam juvent expensis devotissimorum militum profuturae. Simulacra, si qua etiam nunc in templis fanisque consistunt et quae aliquem ritum vel acceperunt vel accipiunt paganorum, suis sedibus revellantur, cum hoc repetita sciamus saepius

Another law of November the fifteenth [1] reads:

By these instructions we declare that the privileges which the authority of law has granted to the churches and clerics shall remain sacred and inviolate. And we grant to them this extraordinary and singular right, that all that has been specially granted by us to the church alone shall be made known to the judges and executed, not by the priests, but by advocates of their own choice. But the priests of the province shall be on their guard lest, under the excuse of privilege, to their disadvantage, some inconvenience be inflicted upon them.

These measures are the last tolerant acts of Stilicho's

sanctione decretum. Aedificia ipsa templorum quae in civitatibus vel oppidis vel extra oppida sunt, ad usum publicum vindicentur. Aerae locis omnibus destruantur omniaque templa in possessionibus nostris ad usus adcommodos transferantur, domini destruere cogantur. Non liceat omnino in honorem sacrilegi ritus funestioribus locis exercere convivia vel quicquam sollemnitatis agitare. Episcopis quoque locorum haec ipsa prohibendi ecclesiasticae manus tribuimus facultatem. Nam et agentum in rebus executionem Maximi, Juliani, Eutachi, ut ea, quae generalibus legibus contra Donatistas, Manichaeos, adque huiuscemodi haereticos vel gentiles statuta sunt, impleantur, indulsimus. Qui tamen scient in omnibus modum statutorum esse servandum, ut ea, quae contra vetitum videntur esse commissa mox judicibus juxta vim legum deferant vindicanda. Quos quidem viginti librarum auri poena statutae dudum multae constringet, pari multa officiis ordinibusque proposita, si haec quae statuimus eorum fuerint dissimulatione neglecta. . . . Quod ad continendos hominum mores religionemque provisum et ad rectores provinciarum sublimis magnificentia tua faciet pervenire et digno per omnes jubebit vigore servari."

[1] *Cod. Theod.*, xvi, 2, 38. "Porphyrio Proconsuli Africae. Privilegia quae ecclesiis et clericis legum decrevit auctoritas, hac quoque praeceptione sancta et inviolata permanere decernimus. Atque hoc ipsis praecipuum ac singulare deferimus, ut, quaecumque de nobis ad ecclesiam tantum pertinentia, specialiter fuerint impetrata, non per coronatos, sed ab advocatis eorum arbitratu et judicibus innotescant et sortiantur effectum. Sacerdotes vero provinciae erunt solliciti, ne sub hac scilicet privilegii excusatione etiam contra eorum utilitatem aliquid his inferatur incommodum."

regime. The Chronicle of Hydatius certainly overstates the case when it says that in 405 unity was restored between Catholics and Donatists. Yet the fifth century opened with the civil powers turning to the active support of the orthodox.

CHAPTER V

The Revolution of the Year 408: Catholic Supremacy

The political power of the orthodox party was firmly established in Africa by the revolution of the year 408 which overthrew Stilicho and his tolerant policies. Indeed, the fall of that minister was accomplished by the leaders of the Christian party,[1] who took advantage of the troublesome Germanic invasions in order to carry out their plans. The crisis of the invasions seemed at last to have arrived. The hordes of Radagaisus were destroyed at Florence in 405, it is true, but in the year 406 the Alani, Suevi, Vandals and Burgundians invaded and devastated Gaul.[2] Orosius says that Stilicho invited them into the empire that he might make his pagan son, Eucherius, emperor; but his statement is unsupported and probably is an attempt on the part of a Christian authority to discredit one who had failed to meet the demands of a growing Christian fanaticism and to justify his murder. What is clear is that the Germans arrived at a time when Stilicho's tolerance succeeded in winning the opposition of both Christians and pagans. The difficulties of the hour seem to have called for more vigorous action one way or another—and there was really only one way left—if he was to win adequate and reliable support. For he had to face not merely invasion but usurpation as well, the revolt of allies and the question of the imperial succession. Constantine seized the purple in Eng-

[1] Zos., *op. cit.*, v, 32.

[2] *Ibid.*, vi, 3; Orosius, *op. cit.*, vii, 38.

land, Gaul and Spain;[1] Alaric entered Italy,[2] demanding the subsidies due him; and in this crisis Arcadius, the emperor in the East, died, leaving Theodosius II, a child of eight as heir to the throne.[3] It was this question which proved fatal to the last statesmanlike figure in the Roman West. A dispute seems to have developed between Honorius and Stilicho as to which should go to Constantinople to look after the interests of the Western court. Taking advantage of this disagreement between emperor and minister, Stilicho's enemies led by Olympius, by spreading reports of purported treasonable plans on the part of Stilicho, succeeded in having the Vandals' supporters put to death, even in the presence of the emperor. Then Stilicho himself they declared a traitor and public robber and his arrest was ordered. He was dragged from the asylum of the church to which he had fled and put to death on the charge of high treason on the twenty-third of August, 408.[4] His son suffered the same fate.

The leader of the revolt was Olympius, an orthodox Christian and the personal friend and follower of Augustine. His triumph was a victory for the orthodox.[5] Although we have no means of knowing who had been his supporters in the revolt, from Augustine's subsequent conduct we may well infer that Zosimus' statements to the effect that they were of the true faith is correct. Augustine was in close touch with Olympius and immediately

[1] Orosius, *op. cit.*, vii, 40; Zos., *op. cit.*, vi, 2; Soz., *op. cit.*, ix, 11; Olympiodorus, *Frag.*, 12.

[2] Zos., *op. cit.*, v, 29; Soz., *op. cit.*, ix, 4; Philostorgius, *op. cit.*, xii, 2.

[3] Soc., *op. cit.*, vi, 23; Soz., *op. cit.*, ix, 1; Zos., *op. cit.*, v, 31.

[4] Zos., *op. cit.*, v, 29-34; Soz., *op. cit.*, ix, 4; Phil., *op. cit.*, xii, 3.

[5] Zos., *op. cit.*, v, 32, 35.

sent him letters of congratulation and advice, pointing out certain political favors which Olympius should grant the church.

The first of these letters reads:

Olympius, My Lord greatly beloved, and my son worthy of honor and regard as a member of Christ, Augustine sends greeting. Whatever your rank may be in connection with the course of this world I have the greatest confidence in addressing you as my much beloved, true hearted Christian fellow servant, Olympius. For I know that this name in your esteem excels all other glorious and lofty titles. Reports have indeed reached me that you have obtained some promotion in worldly affairs, but no information confirming the truth of the rumor had come to me up to the time when this opportunity of writing to you occurred. Since, however, I know that you have learned from the Lord not to mind high things, but to condescend to those who are lightly esteemed by men, whatever the pinacle to which you have been raised, we take for granted, my lord greatly beloved, and son worthy of honor and regard as a member of Christ, that you will still welcome a letter from me, just as you were wont to do. And as for your worldly prosperity, I do not doubt that you will wisely use it for eternal gain; so that the greater the influence which you acquire in the commonwealth on this earth, the more will you devote yourself to the interests of the heavenly city to which you owe your birth in Christ. . . . And now, you are of the same kindly disposition that you were formerly, but possessed of greater influence, I do not despair of this being easily granted by the Lord's help, in consideration of your claim on the emperor. Now even if you were to ask the gift of this property in your own name, and present it to the church of which I have spoken, who would find fault with your request? Nay, who would not commend it, as dictated not by personal covetousness, but by Christian piety?[1]

[1] Aug., *Ep.*, 96, 408.

A second letter [1] of the same year shows that Augustine had now got his bearings. He could thereupon formulate his demands. It was an opportune time for the destruction of his enemies, and Olympius was to furnish the laws for this. This action of Augustine's is significant of the changed position of the church. We have been following a situation in which the political leaders utilized the religious struggle for their own ends, now we find the religious leaders utilizing politics for religious purposes.

. . . I write, therefore, to salute you, and to charge you, by the love which you have in Jesus Christ our Lord, to see that your good work be hastened on with the utmost diligence, in order that the enemies of the church may know that those laws concerning the demolition of idols and the correction of heretics which were sent into Africa while Stilicho yet lived, were framed by the desire of our most pious and faithful emperor; for they either cunningly boast, or willingly imagine, that this was done without his knowledge, or against his will,[2] and thus they render the minds of the ignorant full of seditious violence, and excite them to dangerous and vehement enmity against us.

I do not doubt that in submitting this in the way of petition or respectful suggestion to the consideration of your excellency, I act agreeably to the wishes of my colleagues throughout Africa; and I think that it is your duty to take measures, as could be easily done, on whatever opportunity may first arise, to make it understood by these vain men, (whose salvation we seek, although they resist us) that it was to the care, not of Stilicho, but of the son of Theodosius, that those laws which have been sent into Africa for the defence of the Church of Christ owed their promulgation. . . . That the province be made to know how the mind of our most

[1] Aug., *Ep.*, 97.

[2] A false edict of toleration had been circulated. Aug., *Ep.*, 105: 2, 6.

gracious emperor stands toward the church, I recommend, nay I beseech, and implore you, to take care that no time be lost, but that its accomplishment be hastened, even before you see the bishops who have gone from us, so soon as shall be possible for you, in the exercise of your most eminent vigilance on behalf of the members of Christ who are now in circumstances of the utmost danger; for the Lord has provided no small consideration for us under these trials seeing that it has pleased Him to put much more now than formerly in your power, although we were already filled with joy by the number and the magnitude of your good offices.

We rejoice much in the firm and steadfast faith of some, and these not few in numbers, who by means of these laws have been converted to the Christian religion, or from the schism of the Catholic peace, for whose eternal welfare we are glad to run the risk of forfeiting temporal prosperity. For on this account especially we now have to endure at the hands of men, exceedingly and obdurately perverse, more grievous assaults of enmity, which some of them along with us bear most patiently; but we are in great fear because of their weakness, until they learn, and are enabled by the help of the Lord's most compassionate grace, to despise with more abundant strength of spirit the present world and man's short day. May it please your highness to deliver the letter of instructions which I have sent to my brethren the bishops when they come, if, as I suppose, they have not yet reached you. For we have such confidence in the unfeigned devotion of your heart, that with the Lord's help we desire to have you not only giving us your assistance, but also participating in our consultations.

Augustine was assuming the position which he was ultimately to hold as director of political as well as religious affairs.

In the letter just quoted, Augustine mentions bishops who had gone from Africa to the emperor. These were delegates from the twelfth and thirteenth councils of Car-

thage who had been sent to secure legislation for the destruction of paganism and heresy.[1] As a result of the demands of Augustine and the bishops a series of Draconian laws was issued. The partisans of Gildo were again proscribed.[2] Then by an act of the fourteenth of November, all non-Christians were excluded from service in the royal household.[3] "We forbid those who are hostile to the Catholic party to serve in the palace, in order that no one be attached to us in any manner who differs from us in faith and religion." Zosimus gives us[4] the following (pagan) account of the difficulty of enforcing this law.

Generidus, although of barbarian extraction was in disposition inclined to all virtues and was remarkably devoid of covetousness. While he adhered to ancient ordinances and could not endure to relinquish the old mode of worshipping the gods, a law was promulgated, prohibiting all who were not Christians from wearing a girdle at court. This law being established, Generidus, who was at that time a military officer at Rome, laid aside his girdle and remained in his own house. The emperor requiring him, as enrolled among the officers, to attend at court in his due course, he replied that there was a law which forbade him the use of the girdle, or that anyone should be reckoned among the officers who did not reverence the Christian religion. The emperor answered that the law indeed was obligatory on all others but excepted him alone,

[1] Harduin, *op. cit.*, i, 926, *Can.* 106; Hefele, *op. cit.*, ii, 1, 158, *Can.* 106. In hoc concilio legationem iterum suscepit Fortunatianus episcopus contra paganos et haereticos. . . . In hoc concilio susceperunt legationem Restitutus et Florentius episcopi, contra paganos et haereticos.

[2] *Cod. Theod.*, ix, 40, 19.

[3] *Cod. Theod.*, xvi, 5: 42. "Olympio Magistro Officiorum et Valenti Comiti Domesticorum. Eos, qui catholicae sectae sunt inimici, intra palatium militare prohibemus, ut nullus nobis sit aliqua ratione conjunctus, qui a nobis fide et religione discordat."

[4] Zos., *op. cit.*, v, 46.

who had undertaken such dangerous enterprises for the commonwealth. Generidus said in reply that he could not suffer himself to accept an honor that appeared to affront all who by means of that law had been put out of commission. Nor did he execute his office until the emperor compelled both by necessity and shame completely abolished the law and gave to all persons liberty of enjoying their own sentiments in all offices, whether military or civil.

A law of the fifteenth of November renews the former prescriptions against heretics and gentiles.[1] "We decree that all that has been formerly enacted by the authority of general laws against the Donatists (who also are called *Montenses*[2]), Manichaeans or Priscillianists or aginst the pagans, not only stand but indeed be carried into full and effective execution; that not only their buildings but also those of the Caelicoli (who hold meetings for a sort of dogma with which we are not familiar) shall be adjudged to the churches. Indeed by this law, the penalty is established that those ought to be held as convicted who shall have confessed themselves to be Donatists, or who shall have avoided the Catholic communion, under the concealment of a left-handed sort of religion, even though they shall have simulated that they were Christians."

Another law of the twenty-fourth of November, addressed to Donatus, the proconsul of Africa, was to repress

[1] *Cod. Theod.*, xvi, 5, 43. Omnia, quae in Donatistas (qui et Montenses vocantur), Manichaeos, sive Priscillianistas vel in gentiles a nobis generalium legum auctoritate decreta sunt, non solum manere decernimus, verum in executionem plenissimam effectumque deduci, ita ut aedificia quoque vel horum vel Caelicolarum etiam (qui nescio cuius dogmatis novi conventus habent) ecclesiis vindicentur. Poena vero lege proposita veluti convictos tenere debebit eos, qui Donatistas se confessi fuerint vel catholicorum communionem refugerint scaevae religionis obtentu, quamvis Christianos esse se simulent. *Cf.*, p. 125.

[2] Montenses was the term by which the Donatists at Rome were designated. *Cf.* Jerome, *Chron.*, 356.

the Donatists. It reads:[1] "The new and unusual audacity of the Donatists, heretics and Jews shows that they wish to disturb the sacraments of the Catholic faith. Beware lest this pest come forth and spread further by contagion. Therefore, upon those who shall have attempted anything that may be adverse or contrary to the Catholic party, we adjudge that the penalty of a just punishment be imposed."

Another law of the twenty-seventh of November reads:[2] "Let the defenders, curials, and all officials maintain a watch lest anyone who is at variance with the supreme ecclesiastical authority have a chance for illicit meeting in any city or any remote part of a territory. We decree that these places are to be confiscated no excuse being accepted; and those who dare dispute these things and to maintain what the divine precept condemns are to be outlawed and exiled."

Finally, episcopal courts were provided for.[3] "Let an episcopal decision be valid for all those who choose to be heard by the clergy, and we command that that respect be

[1] *Cod. Theod.*, xvi, 5, 44. Donatistarum haereticorum Judaeorum nova adque inusitata detexit audacia, quod catholicae fidei velint sacramenta turbare. Quae pestis cave contagione latius emanet ac profluat. In eos igitur, qui aliquid, quod sit catholicae sectae contrarium adversumque, temptaverint, supplicium justae animadversionis expromi praecipimus. *Cf.* Aug., *Ep.*, 100, 2.

[2] *Cod. Theod.*, xvi, 5, 45. Defensorum curialium omniumque officiorum specula custodiat, ne quis intra aliquam civitatem, vel ulla territorii parte secreta, qui ab ecclesiae catholico sacerdote dissidet, inlicitae coitionis habeat facultatem. Ipsa etiam loca juri publico sociari seclusa omni excusatione censemus et proscribtos eos in exilium detrudi, qui audent disputare ea et adserere, quae institutio divina condemnat.

[3] *Cod. Just.*, i, 4, 8. Episcopale judicium sit ratum omnibus qui se audiri a sacerdotibus elegerint, eamque illorum judicationi adhibendam esse reverentiam (jubemus), quam vestris referre necesse est potestatibus a quibus non licet provocare. Per judicum quoque officia, ne sit cassa episcopalis cognitio, definitioni executio tribuatur.

paid to their adjudication which it is necessary to attribute to your powers, from which it is not permitted to appeal. Let it be the duty of the judges to give execution to the final decision, that the episcopal procedure may not be ineffective."

Hardly less significant than this outburst of persecutory legislation is the change in the attitude of Augustine. Olympius, his orthodox disciple, is in power in place of the tolerant Stilicho. Augustine takes a new tone; his attitude and temper are in keeping with the sterner mood of the persecutor, and the former breadth and sympathetic charity give way to a fanatic zeal which was to be a fatal example for succeeding ages. This new spirit is shown in a letter written in the year 408 and addressed to Vincentius.[1] Its historical importance is of the greatest, and were it not too long for quotation in full, should be given here entire.

The letter starts by pointing out the dangers threatening the church from the Donatists, dangers which he says would justify their repression and correction by the temporal powers. Indeed—and the significance of this should not be lost in the history of persecution—he is of the opinion that such repression as there has been has not been without results.

> The repression and correction of [the Donatists] by the powers which are ordained by God appears to me to be labor not in vain. For we already rejoice in the correction of many who hold and defend the Catholic unity with such sincerity and are so glad to be delivered from their former error, that we admire them with great thankfulness, and pleasure. . . . Was it my duty to be displeased at the salvation of these men and to call back my colleagues from a fatherly diligence of this kind, the result of which has been, that we see many blaming their former blindness? . . .

[1] Aug., *Ep.*, 93.

[To restrain and correct such heretics would be returning good for evil.] If we were to overlook and forbear with those cruel enemies who seriously disturb our peace and quietness by manifold and grievious forms of violence and treachery, as that nothing at all should be contrived and done by us with a view to alarm and correct them, truly we would be rendering evil for evil. For if anyone saw his enemy running headlong to destroy himself when he had become delirious through a dangerous fever, would he not in that case be much more truly rendering evil for evil if he permitted him to run on thus, than if he took measures to have him seized and bound? And yet he would at that moment appear to the other to be a most vexatious and most like an enemy, when in truth, he had proved himself most useful and most compassionate: although, doubtless, when his health was recovered, would he express to him his gratitude with a warmth proportionate to the measure in which he had felt his refusal to indulge him in his time of frenzy. O, if I could but show you how many we have even from the Circumcellions, who are now approved Catholics, and condemn their former life, and the wretched delusion under which they believed that they were doing in behalf of the Church of God whatever they did under the prompting of a restless temerity, who nevertheless would not have been brought to this soundness of judgment had they not been as persons beside themselves, bound with the cords of the laws which are distasteful to you. As to another form of most serious distemper,—that namely, of those who had not indeed, a boldness leading to acts of violence, but were pressed down by a kind of inveterate sluggishness of mind, and would say to us, "What you affirm is true, nothing can be said against it; but it is hard for us to leave off what we have received from our fathers", why should not such persons be shaken up in a beneficial way by a law bringing upon them inconveniences in worldly things, in order that they might rise from their lethargic sleep and awake to the salvation which is to be found in the unity of the church? How many of them re-

joicing with us, speak bitterly of the weight with which their ruinous course formerly oppressed them, and confess that it was our duty to inflict annoyances upon them, in order to prevent them from perishing under the disease of lethargic habit, as under a fatal sleep. . . .

[Instruction and a wholesome fear should go hand in hand.] But you ought to consider also the very large number over whose salvation we rejoice. For if they were only made afraid, not instructed, this might appear to be a kind of inexcusable tyranny. Again, if they were instructed only, not not made afraid, they would be with more difficulty persuaded to embrace the way of salvation, having hardened through inveteracy of custom, whereas many whom we have known well, when arguments have been brought before them, and the truth made apparent by testimonials from the word of God, answered us that they desired to pass into the communion of the Catholic Church but were in fear of the violence of worthless men, whose enmity they would incur; which violence they ought by all means to despise when it was to be borne for righteousness' sake and for the sake of eternal life. Nevertheless, the weakness of such men ought not to be regarded as hopeless, but to be supported until they gain strength. . . . When however, wholesome instruction is added to means of inspiring salutary fear, so that not only the light of truth may dispell the darkness of error, but the force of fear may at the same time break the bonds of evil custom, we are made glad, . . . by the salvation of many. . . .

[It is not a sign of enmity to punish.] Not everyone who is indulgent is a friend; nor is everyone an enemy who smites. Better are the wounds of a friend than the proffered kisses of an enemy. It is better with severity to love, than with gentleness to deceive. More good is done by taking away food from one who is hungry, if, through freedom from care as to his food, he is forgetful of righteousness, than by providing bread for one who is hungry, in order that, being thereby bribed, he may consent to unrighteousness. He who binds the man

who is in a frenzy, and he who stirs up the man who is in a lethargy, are alike vexatious to both, and are in both cases alike prompted by love for the patient. Who can love us more than God does? And yet He not only gives us sweet instruction, but also quickens us by salutary fear, and this unceasingly. Often adding to the soothing remedies by which He comforts men the sharp medicine of tribulation, He afflicts with famine even the pious and devout patriarchs, disquiets a rebellious people by more severe chastisements, and refuses, though twice besought to take away the thorn in the flesh of the apostle, that He may make His strength perfect in weakness. Let us by all means love even our enemies. . . . Let us in like manner ponder His correction of those whom He loves.

You are of the opinion that no one should be compelled to follow righteousness: and yet you read that the householder said to his servants, "Whomsoever ye shall find, compel him to come in." You also read how he who was at the first Saul and afterwards Paul, was compelled by the great violence with which Christ coerced him to know and to embrace the truth; for you cannot but think that the light which your eyes enjoy is more precious to men than money or any other possession. This light lost suddenly by him when he was cast to the ground by the heavenly voice, he did not recover until he became a member of Holy Church. You are also of opinion that no coercion is to be used with anyone in order to his deliverance from the fatal consequences of error. . . . You know also that sometimes the thief scatters food before the flock that he may lead them astray and sometimes the shepherd brings wandering sheep back to the flock with his rod. . . . Let us learn, my brother, in actions which are similar to distinguish the intentions of the agents; and let us not, shutting our eyes, deal in groundless reproaches and accuse those who seek man's welfare as if they did them wrong." . . .

[The question of the righteousness of the persecution lies in the object to be obtained.] If to suffer persecu-

tion were in all cases a praiseworthy thing, it would have sufficed for the Lord to say, "Blessed are they which are persecuted", without adding, "for righteousness sake." Moreover, if to inflict persecution were in all cases blameworthy, it would have been written in the sacred books, "Whoso privily slandereth his neighbor, him will I persecute." In some cases therefore both he that suffers persecution is in the wrong and he that inflicts it is in the right. . . .

[Appealing to the emperors for power to repress is justified.] You say that no example is found in the writings of the evangelists and apostles, of any petition presented on behalf of the Church to the kings of the earth against her enemies. Who denies this? None such is found. But at that time the prophecy, "Be wise now, therefore, O ye Kings; be ye instructed, O ye judges of the earth; serve the Lord with fear," was not yet fulfilled. . . . In the age of the apostles and martyrs, that was fulfilled which was prefigured when the aforesaid king, Nebuchadnezzar, compelled pious and just men to bow down to his image, and cast into the flames all those who refused. Now, however, is fulfilled that which was prefigured soon after in the same king when being converted to the worship of the true God, he made a decree throughout his empire, that whosoever should speak against the God of Shadrack, Meshack and Abednago, should suffer the penalty which their crime deserved. The earliest time of that king represented the former age of emperors who did not believe in Christ, at whose hands the Christians suffered because of the wicked; but the later time of that king represented the age of the successors to the imperial throne, now believing in Christ at whose hands the wicked suffer because of the Christians.

It is manifest, however, that moderate severity, or rather clemency, is carefully observed toward those who, under the Christian name, have been lead astray by perverse men, in the measures used to prevent them who are Christ's sheep from wandering and to bring them back to the flock, when by pun-

ishments, such as exiles, and fines, they are admonished to consider what they suffer and wherefore, and are taught to prefer the Scriptures which they read to human legends and calumnies. For which of us, yea, which of you, does not speak well of the laws issued by the emperors against heathen sacrifices? In these assuredly, a penalty much more severe has been appointed, for the punishment of that impiety is death. But in repressing and restraining you, the thing aimed at has been rather that you should be admonished to depart evil, than that you should be punished for a crime. . . You are all alike restrained with a comparatively gentle severity, as being not so far alienated from us. And this I may say, both concerning all heretics without distinction, who, while retaining the Christian sacraments, are dissenters from the truth and unity of Christ, and concerning all Donatists without exception. . .

[The Donatist party itself has been active in seeking imperial aid.] As to the obtaining or putting in force of edicts of the powers of this world against schismatics and heretics those from whom you separated yourselves were very active in this matter, both against you, so far as we have heard, and against the followers of Maximianus, as we prove by the indisputable evidence of their own records. . . . If not even that which is just is to be sought by appeal to an emperor, why was that which was by you supposed to by just sought from Julian?

Do you reply that it is lawful to petition the emperor in order to recover what is one's own, but not lawful to accuse another in order that he may be coerced by the emperor? I may remark, in passing, that in even petitioning for the recovery of what is one's own, the ground covered by apostolic example is abandoned, because no apostle is found to have done even this. . . .

[The end to which one is to be coerced should determine the persecution.] You now see, I suppose, that the thing to be considered when anyone is coerced, is not the mere fact of coercion, but the nature of that to which he is co-

erced, whether it be good or bad; not that anyone can be good in spite of his own will, but that, through fear of suffering what he does not desire, he either renounces his hostile prejudices, or is compelled to examine truth of which he has been contentedly ignorant; and under the influence of this fear repudiates the errors which he was wont to defend, or seeks the truth of which he formerly knew nothing, and now willingly holds what he formerly rejected. Perhaps it would be utterly useless to assert this in words, if it were not demonstrated by so many examples. We see not a few men here and there, but many cities, once Donatist, now Catholic, vehemently detesting the diabolical schism, and ardently loving the unity of the church; and these became Catholic under the influence of that fear which is to you so offensive by the laws of the emperors, from Constantine, before whom your party of their own accord impeached Caecilianus, down to the emperors of our own time, who most justly decree that the decisions of the judge whom your own party chose and whom they preferred to a tribunal of bishops, should be maintained in force against you.

[Augustine confesses that he had but slowly arrived at this position.] I have yielded, therefore, to the evidence afforded by these instances which my colleagues have laid before me. For originally my opinion was that no one should be coerced into the unity of Christ, that we must act only by words, fight only by arguments, and prevail by force of reason, lest we should have those whom we knew as avowed heretics feigning themselves to be Catholics. But this opinion of mine was overcome, not by the words of those who controverted it, but by the conclusive instances to which they could point. For, in the first place, there was set over against my opinion my own town, while although it was once wholly on the side of Donatus, was brought to the Catholic unity by fear of the imperial edicts, but which we now see filled with such detestation of your ruinous perversity, that it would scarcely be believed that it had ever been involved in your error. There are so many others which were mentioned to me by name,

that, from facts themselves, I was made to own that to this matter the word of Scripture might be understood as applying: "Give opportunity to a wise man and he will be yet wiser." For how many were already, as we assuredly know, willing to be Catholics, being moved by the indisputable plainness of truth, but daily putting off their avowal of this through fear of offending their own party. How many were bound not by truth—for you never pretended to that as yours—but by the heavy chains of inveterate custom, so that in them was fulfilled the divine saying, "A servant (who is hardened) will not be corrected by words; for though he understand he will not answer." How many supposed the sect of Donatus to be the true church, merely because ease had made them too listless, or conceited, or sluggish, to take pains to examine Catholic truth. How many would have entered earlier had not the calumnies of slanderers who declared that we offered something else than we do upon the altar of God, shut them out! How many, believing that it mattered not to what party a Christian belonged, remained in the schism of Donatus only because they had been born in it, and no one was compelling them to forsake it and pass over into the Catholic Church.

To all these classes of persons the dread of those laws in the promulgation of which kings served the Lord in fear, has been so useful, that now some say we were willing for this some time ago; but thanks to God who has given us occasion for doing it at once, and has cut off the hesitancy of procrastination. Others say, We already knew this to be true but we were held prisoners by the force of old custom; thanks be to the Lord, who has broken these bonds asunder; and has brought us into the bond of peace. Others say, We knew not that the truth was here, and we had no wish to learn it; but fear made us become earnest to examine it when we became alarmed, lest, without any gain in things eternal, we should be smitten with loss in things temporal; thanks be to the Lord, who has by the stimulus of fear startled us from our negligence, that now being disquieted we

might inquire into those things which, when at ease, we did not care to know. Others say, We were prevented from entering the church by false reports, which we could not know to be false unless we entered it; and we would not enter unless we were compelled; thanks be to the Lord, who by this scourge took away our timid hesitation, and taught us to find out for ourselves how vain and absurd were the lies which rumor had spread abroad against His church; by this we are persuaded that there is no truth in the accusations made by the authors of this heresy, since the more serious charges which their followers have invented are without foundations. Others say, We thought, indeed, that it mattered not in what communion we held the faith of Christ; but thanks to the Lord who has gathered us in from a state of schism, and has taught us that it is fitting that the one God be worshipped in unity.

Could I, therefore, in opposition to my colleagues and by resisting them stand in the way of such conquests of the Lord, and prevent the sheep of Christ which were wandering on your mountains and hills—that is, on the swellings of your pride,—from being gathered into the fold of peace, in which there is one flock and one shepherd. Was it my duty to obstruct these measures, in order, forsooth, that you might not lose what you call your own, and might without fear rob Christ of what is His; that you might frame your testaments according to the Roman law and might by calumnious accusations break the Testament made with the sancion of Divine law to the Fathers, in which it is written, "In thy seed shall all the nations of the earth be blessed"; that you might have freedom in your transactions in the way of buying and selling, and might be emboldened to divide and claim as your own that which Christ bought by giving Himself as its price: that any gift made over by one of you to another might remain unchallenged, and that the gift which God of Gods has bestowed upon His children, called from the rising of the sun to the going down thereof, might become invalid; that you might not be sent into exile from the land of your natural

birth, and that you might labor to banish Christ from the kingdom bought with His blood, which extends from sea to sea and from the river to the ends of the earth? Nay verily, let the kings of the earth serve Christ by making laws for Him and for His Cause. Your predecessors exposed Caecilianus and his companions to be punished by the kings of the earth for crimes with which they were falsely charged; let the lions now be turned to break in pieces the bones of the calumniators, and let no intercession for them be made by Daniel when he has been proved innocent, and set free from the den in which they meet their doom; for he that prepareth a pit for his neighbor shall himself most justly fall into it. . . .

[History affords precedents in the cases of Jews and pagans.] You profess, nevertheless, to be afraid lest when you are compelled by imperial edicts to consent to unity the name of God be for a longer time blasphemed by the Jews and the heathen: as if the Jews were not aware how their own nation Israel, in the beginning of its history wished to exterminate by war the two tribes and a half which had received possessions beyond the Jordan, when they thought that these had separated themselves from the unity of their nation. As to the pagans, they may indeed with greater reason reproach us for the laws which Christian emperors have enacted against idolators, and yet many of those have thereby been and are now daily turned from idols to the living and true God.

The earlier tolerant policies of Augustine came in later years to be forgotten. On the other hand, we have numerous instances where members of the church, wishing to justify acts of intolerance, refer to this letter of the bishop of Hippo. Six months after the Massacre of St. Bartholomew, in the year 1573, the brother of Charles IX, Henry of Anjou, later to become Henry III, arrived in the city of Cracow in Poland. While there, during the night, he sent for his doctor named Miron and said to him, "I have

sent for you to share my restlessness and agitation of this night as my repose is troubled in thinking of the execution of St. Bartholomew, of which possibly you have not known the truth, such as I now would tell you." He then recounted the story of the facts and the part he took. Miron wrote it down. He could justify himself by the fact that St. Bartholomew was authorized by the principles of the Bishop of Hippo. We have in the *Bibliothèque Nationale* a volume published in 1573, entitled, *Epistre de st. Augustin à Vincent, fort convenable au temps présent, tant pour réduire et remettre à l'unité de l'église les hérétiques, comme pour y maintenir ceux qui y sont demeurés.* This was written by one of the assassins. Boussuet repeats in his *Défense de la tradition et des saints pères* (book VI, ch. 21), the words of a Jesuit of the times of Louis XIV, Étienne Deschamps, who calls Augustine, *la langue de la vérité, l'arsenal de l'église, l'oracle des treize siecles.*

After the revocation of the Edict of Nantes, Ferrand, a lawyer, published in Paris (1686) a manifesto entitled, *La Conduite du roi à l'égard des protestans semblable à la conduite de l'empereur Honorius et de Saint Augustin à l'égard des donatistes.*[1]

[1] Saint René Taillandier, Saint Augustine et la Liberté de Conscience, Revue des seux Mondes, July 15, 1862, Paris. M. Ad. Schaeffer, Essai sur l'avenir de la tolérance (Paris, 1862), 180.

CHAPTER VI

Augustine's Relations with Paganism after the Year 408

In Africa the fall of Stilicho and the absolute control given thereby to the orthodox through new laws and leaders caused the religious struggle to burst forth in actual hostilities. Despite the laws against their holidays the pagans at Calama observed the first day of June. When the clergy tried to stop this they were driven away; whereupon they appealed to the magistrates of the city whose business it should have been to enforce the law. When these officials attempted to issue restraining orders, the pagans attacked the church. Rioting continued throughout the next day, ecclesiastical buildings were burned, a cleric was killed and the rest of the clergy, including the bishop, escaped death only by flight. Since the authorities did not repress the mob or aid the clergy, the Church took measures looking to the punishment of the outrage. We have the correspondence which passed between Nectarius, a leading pagan of Calama, and Augustine relative to this incident. Nectarius saw that clemency, if it were to be obtained at all, must be sought through the African leader, Augustine; so he wrote:[1]

Now my Lord most excellent and worthy of all esteem, this town has fallen disastrously by a grievous misdemeanor on the part of her citizens, which must be punished with very great

[1] Aug., *Ep.*, 90 (408 A. D.).

severity, if we are dealt with according to the rigor of the civil law. But a bishop is guided by another law. His duty is to promote the welfare of men, to interest himself in any case only with a view to the benefit of the parties, and to obtain for other men the pardon of their sins at the hand of Almighty God. Wherefore I beseech you with all possible urgency to secure that, if the matter is to be made the subject of a prosecution, the guiltless be protected and a distinction drawn between the innocent and those who did the wrong. This, which, as you see, is a demand in accordance with your own natural sentiments, I pray you to grant. An assessment to compensate for the losses caused by the tumult can easily be levied. We only deprecate the severity of revenge.

To this Augustine replied: [1]

Consider now whether you would prefer to see your country flourish by the piety of its inhabitants, or by escaping the punishment of their crimes... He (God) hath both foretold and commanded the casting down of the images of the many false Gods which are in the world. For nothing so effectually renders men depraved in practice, and unfit to be good members of society, as the imitation of such dieties as are described and extolled in pagan writings. . . . We have heard within the last few days that such interpretations (non-literal) are now read to the people when they assemble in the temples. . . .

We are therefore resolved, neither on the one hand to lay aside Christian gentleness, nor on the other to leave in your city that which would be a most pernicious example for all others to follow. . . .

You cannot in that community (Calama) draw a distinction between innocent and guilty persons, for all are guilty; but perhaps you may distinguish degrees of guilt. Those are in comparatively small fault, who, being kept back by fear, especially by fear of offending those whom they knew to have leading influence in the community and to be hostile to the

[1] Aug., *Ep.*, 91 (408 A. D.).

Church, did not dare to render assistance to the Christians; but all are guilty who consented to these outrages, though they neither perpetrated them nor instigated others to the crime; more guilty are those who perpetrated the wrong, and most guilty are those who instigated them to it. Let us, however, suppose that the instigation of others to these crimes is a matter of suspicion rather than of certain knowledge, and let us not investigate those things which can be found out in no other way than by subjecting witnesses to torture. Let us also forgive those who through fear thought it better for them to plead secretly with God for the bishop and His other servants, than openly to displease the powerful enemies of the Church. What reason can you give for holding that those who remain should be subjected to no correction and restraint? . . . Now wicked men have something in respect to which they may be punished and that by Christians, in a merciful way, and so as to promote their own profit and well-being. For, they have these three things: life and health of the body, the means of supporting that life, and the means and opportunities of living a wicked life. Let the two former remain untouched in the possession of those who repent of their crimes: this we desire, and this we spare no pains to secure. But as to the third, upon it God will, if it please Him, inflict punishment in His great compassion, dealing with it as a decaying and diseased part, which must be removed with the pruning-knife. . . .

When I went recently to Calama . . . I used all my influence with the Christians to persuade them to do what I judged to be their duty at that time. I then at their request admitted to an audience the pagans also, the source and cause of all this mischief, in order that I might admonish them what they should do if they were wise, not only for the removal of the present anxiety, but also for the obtaining of eternal salvation. They listened to many things which I said, and they preferred many requests to me; but far be it from me to be such a servant as to find pleasure in being petitioned by those who do not humble themselves before my Lord to ask from

Him. . . As for the loss sustained, this is either borne by the Christians or remedied by their brethren. What concerns us is the gaining of souls, which even at the risk of life, we are impatient to secure; and our desire is that in your district we may have larger success, and that in other districts we may not be hindered by the influence of your example.

The case dragged on and so the next year Nectarius again took up the matter, writing to Augustine as follows:[1]

The last statement in your Excellency's letter was, that neither capital punishment nor bloodshed is demanded in order to compensate for the wrong done to the Church, but that the offenders must be deprived of the possessions which they most fear to lose. But in my deliberate judgment, though, of course, I may be mistaken, it is a more grievous thing to be deprived of one's property than to be deprived of life, . . . for it is worse to live miserably than to put an end to our miseries by death.

Again, as to the degree of demerit in the faults of some as compared with others, it is of no importance what the quality of the fault may seem to be in a case in which forgiveness is craved. For, in the first place, if penitence procures forgiveness and expiates the crime—and surely he is penitent who begs pardon and humbly embraces the feet of the party whom he has offended—and if, moreover, as is the opinion of some philosophers, all faults are alike, pardon ought to be bestowed upon all without distinction.

. . . I beg and implore you (Oh that I were in your presence that you might also see my tears!) to consider again and again who you are, what is your professed character, and what is the business to which your life is devoted. Reflect upon the appearance presented by a town from which men doomed to torture are dragged forth; think of the lamentations of the mothers and wives, of sons and fathers; think of the shame felt by those who may return, set at liberty indeed, but hav-

[1] Aug., *Ep.*, 103 (409 A. D.).

ing undergone the torture; think what sorrow and groaning the sight of their wounds and scars must renew. And again when you have pondered all these things, first think of God, and think of your good name among men; or rather think of what friendly charity and the bond of common humanity require at your hands, and seek to be praised not for punishing but for pardoning the offenders. And such things may indeed be said regarding your treatment of those whom actual guilt condemns on their own confession: to these persons you have, out of regard to your religion, granted pardon; for this I shall always praise you. But now it is scarcely possible to express the greatness of that cruelty which pursues the innocent, and summons those to stand trial on a capital charge of whom it is certain that they had no share in the crimes alleged. If it so happens that they are acquitted, consider, I beseech you, with what ill-will their acquittal must be regarded by their accusers who of their own accord dismissed the guilty from the bar, but let the innocent go only when they were defeated in their attempts against them.

Augustine very firmly replied:[1]

Have you perchance heard some report, which is as yet unknown to us, that my brother Possidius had obtained authority for proceedings of greater severity against your citizens, whom —you must excuse me for saying this—he loves in a way more likely to promote their welfare than you do yourself? For your letter shows that you apprehended something of this kind. . . . Far be it from us to demand the infliction, either by ourselves or by any one, of such hardships upon any of our enemies! But, as I have said, if report has brought any such measures of severity to your ears, give us a more clear and particular account of the things reported, that we may know either what to do in order to prevent these things from being done, or what answer we must make in order to disabuse the minds of those who believe the rumor.

[1] Aug., *Ep.*, 104 (409 A. D.).

. . . You have inserted in your letter what I have never said at all in mine. You say that the concluding sentence of my letter was, "that neither capital punishment nor bloodshed is demanded in order to compensate for the wrong done to the Church, but that the offenders must be deprived of that which they most fear to lose," and then, in showing how great a calamity this imports, you add and connect with my words that you "deliberately judge, though you may be mistaken, that it is a more grievous thing to be deprived of one's possessions than to be deprived of life." . . . You have drawn the conclusion that it is "worse to live miserably than to put an end to our miseries by death." . . .

If you had read over again these words of mine when you were pleased to write your reply, you would have looked upon it rather as an unkind insinuation than as a necessary duty to address to me a petition not only for deliverance from death, but also for exemption from torture, on behalf of those regarding whom I said we wished to leave unimpaired their possession of bodily life and health. Neither was there any ground for your apprehending our inflicting a life of indigence and of dependence upon others for daily bread. . . Why, I ask, does your patriotic heart dread the stroke which shall cut this away, in order to prevent a fatal boldness from being in everything fostered and confirmed by impunity? . . . Mark carefully what I say, lest under the form of a petition in regard to what I am saying you appear to bring against us an indirect accusation.

. . . Let this at least be granted by you, that those who attempt with fire and sword to destroy what are necessaries to us be made afraid of losing those luxuries of which they have a pernicious abundance. Permit us also to confer upon our enemies this benefit, that we prevent them, by their fears about that which it would do them no harm to forfeit, from attempting to do that which would bring harm to themselves. For this is to be termed prudent prevention, not punishment of crime; this is not to impose penalties, but to protect men from becoming liable to penalties.

. . . When surgeons see that a gangrene must be cut away or cauterized, they often, out of compassion, turn a deaf ear to many cries. If we had been indulgently forgiven by our parents and teachers in our tender years on every occasion on which, being found in fault, we begged to be let off, which of us would not have grown up intolerable? Which of us would have learned any useful thing? Such punishments are administered by wise care, not by wanton cruelty.

. . . Far be it from a Christian heart to be carried away by the lust of revenge to inflict punishments on anyone. Far be it from a Christian, when forgiving anyone his faults, to do otherwise than either anticipate or at least promptly answer the petition of him who asks forgiveness; but let his purpose in doing this be, that he may overcome the temptation to hate the man who has offended him, and to render evil for evil, and to be inflamed with rage prompting him, if not to do an injury, at least to desire to see the infliction of the penalties appointed by the law; let it not be that he may relieve himself from considering the offender's interests, exercising foresight on his behalf, and restraining him from evil actions. For it is possible, on the other hand, that, moved by more vehement hostility, one may neglect the correction of a man whom he hates bitterly, and on the other hand, that by correction involving the infliction of some pain one may secure the improvement of another whom he dearly loves.

. . . In the case of some Christians who confessed their faults, and asked forgiveness for having been involved in the guilt of that crime,—either by their not protecting the Church when in danger of being burned, or by their appropriating a portion of the property which the miscreants carried off,—we believed that the pain of repentance had borne fruit, and considered it sufficient for their correction, because in their hearts is found that faith by which they could realize what they ought to fear from the judgment of God for their sin. But how can there be any healing virtue in the repentance of those who not only fail to acknowledge, but even persist in mocking and blaspheming Him who is the fountain of forgiveness?

At the same time, towards these men we do not cherish enmity in our hearts. . . . But we think that we are even taking measures for the benefit of these men, if, seeing that they do not fear God, we inspire fear in them by doing something whereby their folly is chastened, while their real interests suffer no wrong. . . .

Fear not, then, that we will try to bring innocent persons to death, when in truth we do not even wish the guilty to experience the punishment which they deserve. . . . But the man who, from fear of painfully crossing the will of the guilty, spares and indulges vice which must thereby gather more strength, is less merciful than the man who, lest he should hear his little boy crying, will not take from him a dangerous knife, and is unmoved by fears of the wounds or death which he may have to bewail as the consequence of his weakness. Reserve, therefore, until the proper time the work of interceding with us for those men in loving whom (excuse my saying so) you not only do not go beyond us, but are even hitherto refusing to follow our steps; and write rather in your reply what influences you to shun the way we follow, and in which we beseech you to go along with us toward that fatherland above, in which we rejoice to know you take great delight.

Our sources indicate that in Africa from this time on, the pagan question drops more and more into the background. We find Augustine's efforts confined to converting their intellectual aristocracy by means of an argumentative literature. This was a return to his earlier policy. He had carried on such a discussion with Maximus of Madaura in the year 390.[1] Throughout, the argument with Nectarius of Calama had been of this nature.[2] Augustine had contended that the fatherland should be in heaven; that the Church should be the instructress of the people. Accord-

[1] Aug., *Epp.*, 16, 17.

[2] *Ibid.*, 90, 91, 103, 104.

ingly he felt that paganism must be attacked in its modes of expression: sculpture, literature, comedies, songs and dances. A letter of the year 409 to a fellow bishop, Memor, asserted that the pagan literature was falsely called liberal; in Christian literature alone was there true liberty. He condemned pagan poetry, oratory, philosophy and, though to a less extent, pagan history.[1]

For to men who, though they are unjust and impious, imagine that they are well educated in the liberal arts, what else ought we to say to them than what we read in those writings which truly merit the name of liberal, "if the Son shall make you free, ye shall be free indeed." For it is through Him that men come to know, even in those studies which are termed liberal by those who have not been called to this true liberty, anything in them which deserves the name. . . . The freedom which is our privilege has nothing in common with the innumerable and impious fables with which the verses of silly poets are full, nor with the fulsome and highly polished falsehoods of their orators, nor, in fine, with the rambling subtleties of philosophers themselves. . . . Their historical works, the writers of which profess to be chiefly concerned to be accurate in narrating events, may perhaps, I grant, contain some thing worthy of being known by "free" men, since the narration is true whether the subject described in it be the good or the evil in human experience. At the same time, I can by no means see how men who were not aided in their knowledge by the Holy Spirit, and who were obliged to gather floating rumors under the limitations of human infirmity, could avoid being misled in regard to very many things; nevertheless, if they have no intention of deceiving, and do not mislead other men otherwise than so far as they have themselves, through human infirmity, fallen into a mistake, there is in such writings an approach to liberty.

. . . It was not possible for anyone, in translating these

[1] Aug., *Ep.*, 101.

poems from the Hebrew, of which language I know nothing, to preserve the meter.[1]

It was a student, Dioscorus, who, in the year 410, drew from Augustine his most caustic characterization of the pagan education.[2] Dioscorus had asked for an opinion regarding passages from Cicero.[3] Augustine's attack on such vanities gives an excellent picture of the state of culture at his time. Even before the Germans had touched Africa, intellectual conditions had fallen to a very low plane. This goes to show that we have been blaming the barbarians for a state of affairs which is due in this case, in part at least, to Christianity. According to Augustine such questions as Dioscorus had raised could not and should not be treated of at Hippo or elsewhere; the Christian doctrine had need only of faith.

You have sent suddenly upon me a countless multitude of questions. . . . I would, indeed, be prevented answering by the number of the questions to be resolved, even if their solution were easy. But they are so perplexing and intricate, and so hard, that even if they were few in number, and engaging me when otherwise wholly at leisure, they would, by the mere time required, exhaust my powers of application, and wear out my strength. I would fain, however, snatch you forcibly away from the midst of those inquiries in which you so much delight, . . . in order that you may either learn not to be unprofitably curious, or desist from presuming to impose the task of feeding and fostering your curiosity upon men among whose cares one of the greatest is to repress and curb those

[1] Aug., *Ep.*, 55, 2 confirms this confession of ignorance of Hebrew. He knew Greek but imperfectly: *Ep.*, 28, 2; *Ep.*, 40; *Cont. Litt. Pet.*, ii, 38; *Conf.*, vii, 13; i, 23; i, 20; *De Trin.*, iii, 1; *Cont. Faust*, xi, 2-5; *De Doctr. Christ.*, ii, 11-15.

[2] Aug., *Ep.*, 118 (410 A. D.).

[3] Aug., *Ep.*, 117 (410 A. D.).

who are too inquisitive. For if the time and pains are devoted to writing anything to you, how much better and more profitable are these employed in endeavors to cut off those vain and treacherous passions, . . . disguised and cloaked under the semblance of virtue and the name of liberal studies.

For tell me what good purpose is served by the many dialogues which you have read, if they in no way helped you towards the discovery and attainment of the end of all your actions? . . . When I consider how a bishop is distracted and overwrought by the cares of his office clamoring on every side, it does not seem to me proper for him suddenly, as if deaf, to withdraw himself from all these, and devote himself to the work of expounding to a single student some unimportant questions in the Dialogues of Cicero.

. . . But you,—and what should make you more ashamed, —you, when on the eve of sailing away from Africa, give evidence of your having made signal progress, forsooth, in your studies here, when you affirm that the only reason why you impose the task of expounding Cicero to you, upon bishops, who are already oppressed with work and engrossed with matters of a very different nature, is, that you fear that if, when questioned by men prone to censure, you cannot answer, you will be regarded by them as illiterate and stupid. Oh cause, well worthy to occupy the hours which bishops devote to study! . . . For I pray you consider how much better and more profitable it is for you to receive from us with far more certainty and with less loss of time those principles of truth by which you can for yourself refute all that is false, and by so doing be prevented from cherishing an opinion so false and contemptible as this,—that you are learned and intelligent if you have studied with a zeal in which there is more pride than prudence the worn-out errors of many writers of a by-gone age. . . . For in the first place, I do not at all see, that, in the countries in which you are so afraid of being esteemed deficient in education and acuteness, there are any persons who will ask you a single question about these matters. Both in this country, to which you came to learn those things,

and at Rome, you know by experience how little they are esteemed and that in consequence, they are neither taught nor learned; and throughout all Africa, so far are you from being troubled by any such questioner, that you cannot find any one who will be troubled with your questions, and are compelled by the dearth of such persons to send your questions to bishops to be solved by them: as if, indeed, these bishops, although in their youth, under the influence of the same ardor—let me rather say error—which carries you away, they were at pains to learn these things as matters of great moment, permitted them still to remain in memory now that their heads are white with age and they are burdened with the responsibilities of episcopal office; or as if, supposing them to desire to retain these things in memory, greater and graver cares would not in spite of their desire banish them from their hearts; or as if, in the event of some of these things lingering in recollection by the force of habit, they would not wish rather to bury in utter oblivion what was remembered, than to answer senseless questions at a time when, even amidst the comparative leisure enjoyed in the schools and in the lecture-rooms of rhetoricians, they seem to have so lost their voice and vigor that, in order to have instruction imparted concerning them, it is deemed necessary to send them from Carthage to Hippo,—a place in which all such things are so unwonted and so wholly foreign, that if, in taking the trouble of writing an answer to your question, I wished to look at any passage to discover the order of thought in the context preceding or following the words requiring exposition, I would be utterly unable to find a manuscript of the works of Cicero. I am amazed in a degree beyond all expression that a young man of your good sense should be afraid lest you should be afflicted with any questioner on these subjects in the cities of Greece and of the East. You are much more likely to hear jackdaws in Africa than this manner of conversation in those lands.

. . . But if you reply that you have already learned this, and say that the truth supremely necessary is Christian doctrine, which I know that you esteem above all other things, placing

in it alone your hope of everlasting salvation, then surely this does not demand a knowledge of the Dialogues of Cicero, and a collection of the beggarly and divided opinions of other men, in order for you to persuade men to give a hearing. Let your character and manner of life command the attention of those who are to receive any such teaching from you. I would not have you open the way for teaching the truth by first teaching what must afterwards be unlearned. . .

Augustine himself showed a profound contempt for all educational traditions. He would gladly reject all rules of grammar if thereby what he had to say might be made more intelligible to the ignorant.[1] Literature was to be used only as an instrument and so was to be abridged or amended to suit the occasion. Rhetoric might be conserved as a means of propaganda though as a rule there were Christian models to be preferred to pagan authors.[2] He counted as one of the errors of his own youth his fondness for philosophy.[3]

The Church in Africa had already expressed ideas in general similar to these. The Synod of Hippo in 393 decided to have as clerics only those instructed in the scriptures and from their infancy dedicated to the faith.[4] The *Statua Ecclesiae Antiqua* forbade bishops the study of profane authors (Can. 16). We learn from Augustine that libraries were very poor.[5] He pointed out that clerics by living near their bishops might learn through observation. Jerome

[1] Aug., *Enarr. in Ps.*, xxxvi, 6; cxxxviii, 20; *Serm.*, xxxvii, 10, 14; ccxcix, 6.

[2] Aug., *De Doct. Christ.*, iv, 2-7; ii, 37, 56.

[3] Aug., *Retr.*, i, 4.

[4] *Can.*, 5. *Cf. supra*, p. 87.

[5] Aug., *Ep.*, 158, 1. See also Cyprianus Telonenis, *Vita St. Caesarii*, "He who is inspired by the Holy Ghost possesses sufficiently the ornaments of style." Gregory the Great, *Bk.* ix; *Ep.*, 48 would not have bishops teach grammar.

at this time still believed in the classics to that extent that "it was necessary to cut off the head of Goliath with his own sword." [1]

The pagan Volusianus and his circle drew from Augustine in the year 412 a discussion of various topics;[2] the mysteries, the virgin birth, the incarnation, etc. The chief thesis of this group seems to have been that the Christian religion was incompatible with the interests of the state.

For a colleague, Deogratias, Augustine discussed the following questions which the pagans had raised:[3] 1. Is Christ or Lazarus to be resurrected? 2. Why has the coming of Christ been so delayed? 3. Are the Christian sacrifices different from those of the pagans? 4. Is the text, "You will be judged in the same manner as you have judged," contrary to the Christian menace of eternal punishment for all who do not believe? 5. Did Solomon say that God had no sons? 6. Did the whale swallow Jonah?

We now come to the setting for what is undoubtedly not only the greatest of Augustine's works but the greatest of all the apologetic philosophies of Christian history—*The City of God*. It was the situation in Italy rather than that in Africa which called it forth. The revolution of 408 had been accompanied by a slaughter of the Gothic allies.[4] Their kinsmen thereupon promptly revolted and besieged Rome. Again as in the days of Radagaisus the popular mind in the period of great distress turned to thoughts of religion and longed for the protection of the old Roman Gods. Zosimus gives the following (non-Christian) account of what took place.[5]

[1] Jerome, *Ep.*, 70; 22, 30.

[2] Aug., *Epp.*, 135, 136, 137, 138.

[3] Aug., *Ep.*, 102.

[4] *Cf. supra*, p. 129.

[5] Zos., *op. cit.*, v, 41. Zosimus is our only source for the events from the death of Stilicho until the arrival of Alaric before Rome.

While they were occupied in these reflections, Pompeianus, the prefect of the city, accidentally met with some persons who were come to Rome from Tuscany and related that a town called Neveia (Narni) had delivered itself from extreme danger, the barbarians having been repulsed from it by storms of thunder and lightning, which were caused by the devotion of its inhabitants to the gods, in the ancient mode of worship. Having discoursed with these men, he performed all that was in his power according to the books of the chief priests. Recollecting, however, the opinions that were then prevalent, he resolved to proceed with greater caution, and proposed the whole affair to the bishop of the city, whose name was Innocent. Preferring the preservation of the city to his own private opinion, he gave them permission to do privately whatever they knew to be convenient. They declared, however, that what they were able to do would be of no utility, unless the public and customary sacrifices were performed and unless the Senate ascended to the capitol, performing there, and in the different markets of the city, all that was essential. But no person daring to join in the ancient religious ordinances, they dismissed the men who were come from Tuscany, and applied theselves to the endeavoring to appease the barbarians in the best manner possible. . . . They resolved to supply the deficiency (of ransom) from the ornaments that were about the statues of the gods. This was in effect only rendering inanimate and inefficacious those images, which had been erected and dedicated to the sacred rites and ceremonies, and were decorated with precious attire, for preserving the city in perpetual felicity. And since every thing then conspired to the ruin of the city, they not only robbed the statues of their ornaments, but also melted down some of them that were made of gold and silver. Among these was that of Valor or Fortitude, which the Romans call *Virtus*. This being destroyed, all that remained of the Roman valor and intrepidity was totally extinguished; according to the remarks of persons who were skilled in sacred rites and observances.[1]

[1] Zos., *op. cit.*, v, 42 gives the terms of the treaty.

Sozomen states [1] that the necessity for sacrifice was proclaimed by the pagan senators and that the sacrifices did take place. Probably as a reflex of this we have the law of February 1, 409, against astrologers, *Mathematici.*[2]

When Alaric had received the promised ransom from Rome he retired into Tuscany and attempted to renew negotiations with the Emperor. However, Olympius dismissed the embassy which Alaric had sent to treat with him. Olympius' line of conduct in this affair reacted in the interest of the non-Christian parties and in March, 409, Olympius gave way before the popular condemnation. He was replaced by Jovius, the praetorian prefect, and Generidus, a pagan, was made general of Dalmatia, Pannonia, Noricum and Rhaetia.[3] Alaric immediately renewed his demand that he be made master of the militia, only to have it indignantly refused by Honorius himself who thereupon even forced his ministers to swear by his own sacred head that they would not make peace with his enemy.[4] Alaric seeing that he could not bring the Emperor to terms proceeded to Rome and took the port of Ostia,[5] the food depot of the city. Then he called upon the city to surrender. The Senate was in no position to refuse his terms and allowed him to set up a new and rival emperor, Attalus, who had been prefect of the city.[6] This was also the recognition of the non-orthodox element of society for Attalus who had

[1] Soz., *op. cit.*, ix, 6; Olymp., *Fr.*, 80; Phil., *op. cit.*, xii, 3; Tillemont, *Mem. Eccles.*, x, 645, will not believe the bishop guilty of such impious condescension as is here charged to him.

[2] *Cod. Theod.*, ix, 16, 12.

[3] Zos., *op. cit.*, v, 46; *cf. supra*, p. 133.

[4] *Ibid.*, v, 48-49.

[5] *Ibid.*, v, 50; Soz., *op. cit.*, ix, 8.

[6] *Ibid.*, vi, 7 *et seq.*; Soz., *op. cit.*, ix, 8-9; Olym., *op. cit., Fr.*, 13; Phil., *op. cit.*, xii, 3; Oros., *op. cit.*, vii, 42; Soc., *op. cit.*, vii, 10.

been educated a pagan [1] was immediately baptised an Arian [2] by the Gothic bishop Sigesarius in order to fit the requirements of the new situation. Lampadius, the most exalted pagan of his times was made praetorian prefect,[3] and Marcianus, another of the friends of Symmachus, was made prefect of the city. Alaric became *magister militum praesentatis* and Adolphus, *comes domesticorum.* Tertullus was designated consul for the ensuing year. In taking possession of the consulate in 410, he renewed the ancient ceremonies. According to Orosius he addressed the Senate as follows:[4] "O Conscript Fathers, I address you to-day in the capacity of consul and pontiff; I already possess the first of these dignities, I shall restore the other." According to Zosimus [5] all Rome rejoiced and was satisfied at the change save only the great Anician family whose fortunes were now bound up with the Christian party. This was the family of the ex-consuls Olybrius and Probinus. It also included some of Jerome's most devout female followers and was quite naturally very much in disfavor with the pagan party.[6]

Honorius with his Christian Court at Ravenna, realizing the crisis and the danger that all the pagan and heretical parts of his empire might go over to the usurper, repealed the laws against pagans and heretics and granted to all free choice in matters of faith.[7] This

[1] Phil., *op. cit.*, xii, 3.

[2] Soz., *op. cit.*, ix, 9.

[3] Zos., *op. cit.*, vi, 7; Aug., *Ep.*, 243; Baronius, *op. cit.*, vi, p. 574; *Ann.*, 410.

[4] Oros., *op. cit.*, vii, 42.

[5] Zos., *op. cit.*, vi, 7.

[6] Baronius, *op. cit.*, *Ann.*, 312, no. 78: 322, no. 44: 395, no. 5-17; Amm. Marc., *op. cit.*, xxvii, 11; Tillemont, *Hist. des Emper.*, iv, 183.

[7] Hefele, *op. cit.*, ii, i, 159; Mansi, *op. cit.*, iii, 810; Harduin, *op. cit.*, i, 926, Can. 107, "In hoc concilio legationem susceperunt contra Donatistas Florentius, Possidius, Praesidius et Benenatus episcopi, eo tempore quo lex data est, ut libera voluntate quis cultum Christianitatis exciperet."

called forth vehement protests from the African councils. Meanwhile, however, events had restored the fortunes of the Emperor. The troops which Attalus had sent under Constantine into Africa against Heraclian, the murderer of Stilicho, trusted too much in a promised supernatural aid and were defeated.[1] Then Honorius received reinforcements from the East and Attalus himself seems to have shown distrust of his Gothic allies and to have opposed sending them into Africa as reinforcements. This angered Alaric who thereupon called Attalus to Rimini (Ariminum) and despoiled him of his diadem and of the purple.[2] Yet he took care to protect Attalus and his family from Honorius.[3] Then, not having been able to conclude a peace with the Emperor, Alaric marched against Rome for the third time and on August the twenty-fourth,[4] he took and sacked the city. Orosius [5] gives no suggestion that any great amount of damage was done. It is only from Jerome who was living in the East,[6] and from Procopius [7] who wrote many years later that we get descriptions of the horrors of the sack. Orosius, on the other hand, describes at length the piety of the Goths;[8] not, however, mentioning that they were Arians. Jordanes [9] and Isidore of Seville [10] have later embellished the tales of Jerome and Pro-

[1] Zos., *op. cit.*, vi, 7.

[2] Zos., *op. cit.*, vi, 12; Soz., *op. cit.*, ix, 8; Phil., *op. cit.*, xii, 3; Oros., *op. cit.*, vii, 42.

[3] Beugnot, *op. cit.*, ii, 65, "Le regne d'Attale est le dernier fait de l'histoire ou l'influence du parti païen se revele."

[4] Cedrenus gives Aug. 26. Phil., *op. cit.*, xii, 3; Soz., *op. cit.*, ix, 9.

[5] Orosius, *op. cit.*, vii, 39; *cf.* Aug., *Serm.*, 107.

[6] Jerome, *Epp.*, 126, 127, 128.

[7] Proc., *De Bell. Vand.*, i.

[8] Oros., *op. cit.*, vii, 39; *cf.* Aug., *City of God;* Rut. Narrat., *de reditu suo.*

[9] Jordanes, *De Reb. Get.*, c. 30.

[10] Isidore, *Chron.*, 714.

copius. Gregorovius' careful research [1] has shown the forbearance of the Goths. Alaric was in the city but three days. On the third he left for southern Italy with the purpose of crossing into Africa. This plan was not carried out as Alaric died before the end of the year.[2]

One of the chief effects of the presence of the barbarians in Rome was the migration of many of the leading Senatorial families to their African estates.[3] There they fell a prey to Count Heraclian who despoiled them and sold many as slaves. These pagan Romans who fled before the Arian Goths may have been one of the causes for the law of the thirtieth of August, 415, which ordered priests to return to their native towns. The law reads: [4]

[1] Gregorovius, *Rome in the Middle Ages*, i, 158.

[2] Oros., *op. cit.*, vii, 39; Marcel., *Chron.*, says Alaric left on the sixth day. Jordanes, *De Reb. Get.*, 30, gives the romantic story of the burial of Alaric in the Basentus.

[3] Jerome, *Ep.*, 130; Tillemont, *Mem. Ecc.*, xiii, 620-635.

[4] *Cod. Theod.*, xvi, 10, 20. "Impp. Honorius et Theodosius A. A. Sacerdotales paganae superstitionis conpetenti coercitioni subjacere praecipimus, nisi intra diem kalendarum Novembrium de Karthagine decedentes ad civitates redierint genitales, ita ut simili quoque censurae per totam Africam sacerdotales obnoxii teneantur, nisi de metropolitanis urbibus discesserint et remearint ad proprias civitates. Omnia etiam loca, quae sacris error veterum deputavit, secundum divi Gratiani constituta nostrae rei jubemus sociari ita ut ex eo tempore, quo inhibitus est publicus sumptus superstitioni deterrimae exhiberi, fructus ab incubatoribus exigantur, quod autem ex eo jure ubicumque ad singulas quasque personas vel praecedentium principum largitas vel nostra majestas voluit pervenire, id in eorum patrimoniis aeterna firmitate perduret. Quod non tam per Africam quam per omnes regiones in nostro orbe positas custodiri decernimus. Ea autem, quae multiplicibus constitutis ad venerabilem ecclesiam voluimus pertinere, Christiana sibi merito religio vindicabit, ita ut omnis expensa illius temporis ad superstitionem pertinens, quae jure damnata est, omniaque loca, quae frediani, quae dendrophori, quae singula quaeque nomina et professiones gentiliciae tenuerunt epulis vel sumptibus deputata, possint hoc errore submoto compendia nostrae domus suble-

We order that the priests of the pagan superstition be subjected to legal constraint unless they leave Carthage before the first of November and return to their native cities. Let the priests throughout Africa be held subject to a similar sentence, unless they quit the metropolitan cities and return to their own. And, in accordance with the decrees of the divine Gratian, we command that all places which the error of the ancients assigned to sacred uses shall be confiscated, and that mesne profits shall be collected from the possessors from the time when it was forbidden to devote public resources to most unworthy superstition, provided, however, that whatever parts or proceeds of such property have been given by the generosity of our predecessors or by our own majesty to any particular persons in any place, shall remain securely forever in their private estates. Let these decrees be observed not only in Africa but throughout the whole of the empire. All that property, however, which we have granted to the venerable Church by numerous constitutions, the Christian religion will justly claim as its own, provided that all outlays of that time pertaining to a superstition which has been condemned by law, and all the property held by the *Frediani,* the *Dendrophori,* or devoted in whatever heathen names or professions to their feasts or expenses, this error having been removed, shall increase the revenues of our establishment. And if things formerly consecrated to sacrifices have contributed to the misleading of men, let them be taken from the baths and public places, that they may no longer seduce the erring. In addition we have determined that the *Chiliarchae* and the *Centonarii,* and all others who are said to usurp the distribution of the people into companies, shall be removed, and if any of

vare. Sane si quondam consecrata sacrificiis deceptionem hominum praestiterunt, ab usibus lavacrorum vel publicis affectibus separentur, ne inlecebram errantibus praestent. Chiliarchas insuper et centonarios vel qui sibi plebis distributionem usurpare dicuntur censuimus removendos, ita ut capitalem sententiam non evadat, si quis aut volens ad huiusmodi nomen accesserit aut passus fuerit vel invitum se huiusmodi praesumptioni atque invidiae deputari."

them voluntarily shall have received this sort of title or shall have allowed himself even against his will to be designated to such presumptuous and invidious duties, he shall not escape capital punishment.

The presence of this foreign pagan element may also have been one of the causes for Augustine's last and greatest polemic against the pagans. At this period (411) he began his *magnum opus, The City of God,* as a refutation of the pagan claim that the miseries of the times, and especially the sack of Rome,[1] were the result of the desertion of the old gods. He finished the first three books in 413.[2] The whole occupied him until 426. It was an argument that the calamities of Rome were no greater in Christian times than they had been in pagan. We may judge from the edict of 415, just cited, why Augustine advises those pagans desiring to reply to be careful how they attempt to do so.[3]

But now I see that I must answer those who, being confuted and convinced by the most manifest proofs, in this that these false gods have no power in the distribution of temporal goods (which only fools desire), now go to affirm that they are worshiped, not for the helps of this life present, but to that which is to come. For in these five books past, we have said enough to such as (like little babies) cry out that they would fain worship them for those earthly helps, but cannot be suffered. The first three books I had no sooner finished and let pass abroad into some men's hands than I heard of some that prepared to make (I know not why) an answer to them or a reply upon them. Afterwards I heard, that they had written

[1] Some contemporary arguments are also disposed of, as (ii, 3) "It does not rain, that is the fault of the Christians."

[2] Aug., *Ep.*, 154.

[3] Aug., *City of God*, v, 26.

them, but were waiting a time when they could publish in security. But I advise them not to wish a thing so inexpedient; it is an easy thing for any man to seem to have made an answer, that is not altogether silent; but what is more talkative than vanity, which cannot have the power of truth, by reason that it has more tongues than truth? But let these fellows mark each thing well; and if their impartial judgments tell them, that their tongue's ripe satirism may more easily disturb the truth of this world, than subvert it, let them keep in their trumperies, and learn rather to be reformed by the wise, than applauded by the foolish. For if they await a time (not for the freedom of truth but) for the licensing of reproach, God forbid that that should be true of them, which Tully spoke of a certain man, "who was called happy in having leave to offend. O wretched man, who hath free liberty to offend."

This work was intended for the intellectual aristocracy only. Augustine, realizing that the common people were to be reached by other means, authorized his follower, the Spaniard, Paul Orosius, to prepare a treatise for that class:

You have commanded me to write against the vain rhetoric of those who, aliens to the city of God, coming from country cross-roads and villages, are called pagans because they smack of the soil, who seek not unto the future and ignore the past, yet cry down the present time as filled with evil, just because Christ is believed and God is worshipped. You have commanded that I should gather from histories and annals whatever mighty ills and miseries and terrors there have been from wars and pestilence, from famine, earthquake and floods, from volcanic eruptions, from lightning or hail, and also from monstrous crimes in the past centuries, and that I should arrange and set forth the matter briefly in a book.[1]

[1] Orosius, *op. cit., Praef.*

This Christianized Universal History of Paul Orosius exercised great authority in the Middle Ages for it was not the intellectuals who survived.

Such was the literary combat in which Augustine participated.[1] At Rome in the year 410 the pagan party was still flourishing and though they never again came into power as a political party, from the few subsequent sources which we possess relating to them we may conclude that their strength did not entirely vanish. They continued to hold office, which shows that Zosimus is correct when he states that the law of 408 was repealed. Rutilius Namatianus was prefect in 413, Albinus in 414, Symmachus in 418 and Volusianus in 429. Yet paganism, such as it was, gave no concern to Augustine during the rest of his lifetime. Nor do we hereafter find any laws of the Western Emperors directed against it.

[1] Salvian, *De Gubernatione Dei* written about 440 treats of the same theme as Orosius and Augustine, but he is writing ostensibly for Christians and concludes that Rome's misfortunes are the direct punishment for the sins of the Christians themselves.

CHAPTER VII

Suppression of the Donatists

The victory of the orthodox which in 408 placed Olympius in power was of great significance for the African situation. Its first and most important consequence was the enforcement of the anti-heretical laws. Governors and other officers suddenly became extremely zealous in putting into effect the full letter of the law. This was due in part to the decree of the Emperor on the subject of official connivance, in part to the fact that the officials were now of the faith, but especially to an immediate supervision on the part of the African clergy. Indeed it was Augustine's watchful oversight that became the guiding force for this new outburst of persecuting enthusiasm. The whole situation is well set forth in a letter which Augustine addressed to the African proconsul, Donatus. This gives us a clear insight into the nature of Augustine's control over the imperial forces as director of this crusade, which was the result of the changed attitude toward persecution that had been adopted both by himself and by the government. It lays down for the proconsul the lines that he is to follow in enforcing the laws for the extinction of heresy. Again Augustine's skill as an administrator is shown. In order that advantages already gained may not be destroyed by too great severity, and prosecutions become repugnant to all except the most fanatic, Donatus is requested to issue a new edict wherein it is to be laid down that all the old edicts on the subject of heresy continue in force, but—

and herein Augustine's masterly diplomacy is shown—Donatus is advised not to apply the harsher provisions of the laws and to take care that all proceedings shall be public. The letter reads:[1]

I would indeed that the African Church were not placed in such trying circumstances as to need the aid of earthly power. . . . For, O noble and deservedly honorable lord and eminently praiseworthy son, who does not perceive that in the midst of so great calamities no small consolation has been bestowed upon us by God, in that you, such a man and so devoted to the name of Christ, have been raised to the dignity of proconsul, so that power allied with your good-will may restrain the enemies of the Church from their wicked and sacrilegious attempts? In fact, there is one thing of which we are much afraid in your administration of justice, viz., lest perchance, seeing that every injury done by impious and ungrateful men against the Christian society is a more serious and heinous crime than if it had been done against others, you should on this ground consider that it ought to be punished with a severity corresponding to the enormity of the crime, and not with the moderation which is suitable to Christian

[1] Aug., *Ep.*, 100. The severity of the proconsul may possibly be explained by the fury of the circumcelliones, whose acts Augustine thus describes (*Ep.*, 111, 1, 409 A. D.): "The whole world, indeed, is afflicted with such portentous misfortunes, that there is scarcely any place where such things as you describe are not being committed and complained of. . . . Behold in our own country of Hippo, which the barbarians have not yet touched, the ravages of the Donatist clergy and Circumcelliones make such havoc in our churches, that perhaps the cruelties of the barbarians would be light in comparison. For what barbarian could ever devise what these have done, viz., casting lime and vinegar into the eyes of our clergymen, besides atrociously beating and wounding every part of their bodies? They also plunder and burn houses, rob granaries, and pour out oil and wine; and threatening to do this to all others in the district, they compel many even to be rebaptized. Only yesterday, tidings came to me of forty-eight souls in one place having submitted, under fear of such things, to be rebaptized." *Cf. Ep.*, 108, 5, 14; 6, 18.

forbearance. We beseech you, in the name of Christ, not to act in this manner. For we do not seek to revenge ourselves in this work; nor ought the things which we suffer to reduce us to such distress of mind as to leave no room in our memory for the precepts in regard to this which we have received from Him for whose truth and in whose name we suffer; we "love our enemies", and "we pray for them". It is not their death, but their deliverance from error, that we seek to accomplish by the help of the terror of judges and of laws, whereby they may be preserved from falling under the penalty of eternal judgment; we do not wish either to see the exercise of discipline towards them neglected, or on the other hand, to see them subjected to the severer punishment which they deserve. Do you, therefore, check their sins in such a way, that the sinners may be spared to repent of their sins.

We beg you, therefore, when you are pronouncing judgment in cases affecting the Church, how wicked soever the injuries may be which you shall ascertain to have been attempted or inflicted on the Church, to forget that you have the power of capital punishment, and not to forget our request. Nor let it appear to you as unimportant and beneath your notice, my most beloved and honored son, that we ask you to spare the lives of the men on whose behalf we ask God to grant them repentance. For even granting that we ought never to deviate from a fixed purpose of overcoming evil with good, let your own wisdom take this also into consideration, that no person beyond those who belong to the Church is at pains to bring before you cases pertaining to her interests. If, therefore, your opinion be, that death must be the punishment of men convicted of these crimes, you will deter us from endeavoring to bring anything of this kind before your tribunal; and this being discovered, they will proceed with more unrestrained boldness to accomplish speedily our destruction, when upon us is imposed and enjoined the necessity of choosing rather to suffer death at their hands, than to bring them to death by accusing them at your bar. Disdain not, I beseech you, to accept this suggestion, petition, and entreaty from me.

For I do not think that you are unmindful that I might have great boldness in addressing you, even were I not a bishop, and even though your rank were very much above that which you now hold. Meanwhile, let the Donatist heretics learn at once through the edict of your Excellency that the laws passed against this error, which they suppose and boastfully declare to be repealed, are still in force, although even when they know this they may not be able to refrain in the least degree from injuring us. You will, however, most effectively help us to secure the fruit of our labors and dangers, if you take care that the imperial laws for the restraining of their sect which is full of conceit and impious pride, be so used that they may not appear either to themselves or to others to be suffering hardship in any form for the sake of truth and righteousness; but suffer them, when this is requested at your hands, to be convinced and instructed by incontrovertible proofs of things which are most certain, in public proceedings in the presence of your Excellency and of inferior judges, in order that those who are arrested by your command may themselves incline their stubborn will to the better part, and may read these things profitably to others of their party. For the pains bestowed are burdensome rather than really useful, when men are only compelled, not persuaded by instruction, to forsake a great evil and lay hold upon a great benefit.

The edict by which the Emperor had forbidden any further neglect on the part of officials was issued on the fifteenth of January, 409, and reads:

Let not the Donatists nor the supporters of other vain heresies nor any of those others who cannot be induced to participate in the communion of the Catholic religion, the Jews namely, and the gentiles, who are commonly called pagans, conclude that the laws previously directed against them have grown lukewarm; let all judges know, on the contrary, that the provisions of these laws must be faithfully observed and let them have no doubt that the execution of all our decrees

against those persons is to be among the chiefest of their cares. And if any judge by wrongful connivance shall fail to enforce the present law, let him know that he will lose his office and be subjected to a more serious change of our clemency, and that his officials who were wanting in regard for their own safety will be punished by a fine of twenty pounds of gold imposed upon the three chief men. Municipal councilors also are to understand that, if they have shown favor to culprits by hushing-up offences of this sort in their cities or territories, they will be subject to the penalty of deportation and forfeiture of all their property.[1]

Another law of the twenty-sixth of June, 409, reads: "If anyone has attempted, even by virtue of our own written authorization, to act contrary to the laws repeatedly issued for the common welfare, that is, for the advantage of the Holy Catholic Church, against heretics and followers of a different dogma, let him be deprived of all that has been conceded him." [2]

[1] *Cod. Theod.*, xvi, 5, 46. "Theodoro P. P. Ne Donatistae vel ceterorum vanitas haereticorum aliorumque eorum, quibus catholicae communionis cultus non potest persuaderi, Judaei adque gentiles, quos vulgo paganos appellant, arbitrentur legum ante adversum se datarum constituta tepuisse, noverint judices universi praeceptis earum fideli devotione parendum et inter praecipua curarum quidquid adversus eos decrevimus non ambigant exsequendum. Quod si quisquam judicum peccato coniventiae exsecutionem praesentis legis omiserit, noverit amissa dignitate graviorem motum se nostrae clementiae subiturum, officium quoque suum, quod saluti propriae contempta suggestione defuerit, punitis tribus primatibus condemnatione viginti librarum auri plectendum. Ordinis quoque viri si in propriis civitatibus vel territoriis commissum tale aliquid siluerint in gratiam noxiorum, deportationis poenam et propriarum ammissionem facultatum se noverint subituros."

[2] *Cod. Theod.*, xvi, 5, 47. "Si quis contra ea, quae multipliciter pro salute communi, hoc est pro utilitatibus catholicae sacrosanctae ecclesiae, adversus haereticos et diversi dogmatis sectatores constituta sunt, etiam cum adnotationis nostrae beneficio venire temptaverit, careat impetratis."

At Sinitus near Hippo the Donatists issued a proclamation to the Maximianists [1] which reads, "Let the house of anyone who shall have communed with the Maximianists be burned," and certain Donatist priests addressed to Augustine a dire threat, "Keep away from our people if you do not want us to kill you." [2] Against such a spirit it is no wonder that Augustine advocated the use of force, saying, "If we so discipline you that we force you to unity through the commands of the Emperors, you bring it upon yourselves, for you by your violence and threats will not permit anyone in security to listen when we would preach the truth." [3]

Yet in the year 410, Heraclian, Count of Africa, received an imperial constitution granting almost universal toleration in religious matters.[4] We have already noted the circumstances in the Roman empire which caused this to be issued. It caused the protest from the Council of the fourteenth of June [5] which sent Possidius and three other bishops to the court to remonstrate against the liberty accorded to the Donatists and to demand a general conference between the two parties.[6] The edict of toleration was annulled by the law of the twenty-fifth of August, 410, which reads: "To Heraclian, Count of Africa. Let all the enemies of the sacred law know that the constitution which they obtained by deception, in favor of the rites of heretical superstition, is wholly rescinded, and that they will be subjected not only to confiscation of their property but also

[1] Aug., *Ep.*, 105, 2, 4.

[2] *Ibid.*, 105, 1, 1.

[3] *Ibid.*, 105, 2, 3.

[4] *Cod. Theod.*, xvi, 5, 51. Aug., *Ep.*, 108, 6, 18, "istam legem, qua gaudetis vobis redditam libertatem."

[5] Harduin, *op. cit.*, i, 926; *cf. supra*, p. 163.

[6] Aug., *Brev. Coll.*, iii, 2, 2; 3, 3; 4, 4-5.

to capital punishment, if with execrable and criminal boldness they continue to attempt to convene in public." [1] A special commissioner, Marcellinus, senator, tribune and imperial notary, to whom Augustine's *City of God* was dedicated, was charged by the Emperor to go to Carthage, convoke a conference, preside at its debates and establish religious unity.[2] Previous to the sessions of the conference he was to see that all the laws in favor of the Catholics were enforced according to the following edict of the fourteenth of October, 410: [3] "Honorius and Theodosius to their Marcellinus, greeting. We command to be observed, complete and inviolate, all that antiquity formerly ordained or the religious authority of our predecessors decreed or our serenity has confirmed regarding Catholic law, new superstition being set aside."

Although the Donatists must have known of the previous persecutions, the edict of union, the repressive laws and the attitudes of the Emperor and his commissioner, yet they entered the conference. It is not the place here to give a history of that assembly. It was convoked by the commissioner at Carthage for the first day of June, 411. Marcellinus himself presided. Both parties had about the same number of representatives. Three sessions were held, at the end of which the president closed the conference, con-

[1] *Cod. Theod.*, xvi, 5, 51. "Heracliano Comiti Africae. Oraculo penitus remoto, quo ad ritus suos haereticae superstitionis obrepserant, sciant omnes sanctae legis inimici plectendos se poena et proscriptionis et sanguinis, si ultra convenire per publicum execranda sceleris sui temeritate temptaverint."

[2] Aug., *Serm.*, 357, 358, 359; *Coll. Carth.*, i, 4; iii, 29.

[3] *Cod. Theod.*, xvi, 11, 3. "Honor. et Theod. A. A. Marcellino suo salutem. Ea, quae circa catholicam legem vel olim ordinavit antiquitas vel parentum nostrorum auctoritas religiosa constituit vel nostra serenitas roboravit, novella superstitione submota integra et inviolata custodiri praecipimus."

demned the Donatists and issued an edict of proscription [1] in which he forbade their meetings and turned their buildings over to the orthodox. This marks the ruin of the Donatist cause, for, though they appealed to the Emperor,[2] alleging fraud and partiality on the part of Marcellinus,[3] Honorius replied by an edict of persecution. This was issued on the thirtieth of January, 412, and reads:[4]

All concessions that have been made in formal edicts or in annotation by our own hand being herewith revoked, all the

[1] *Coll. Carth.*, iii, 585; Aug., *Brev. Coll.*, iii, 25, 43.

[2] Aug., *Ad Donat. post Coll.*, i, 12, 16; Possid., *op. cit.*, 15.

[3] Possid., *op. cit.*, 16; Aug., *Brev. Coll., i, praef.;* iii, 18, 36; *Ad Donat. post Coll.*, i, 1; *Ep.*, 141, 1. "Vestros episcopos dicere cognitorem praemio fuisse corruptum."

[4] *Cod. Theod.*, xvi, 5, 52. "Seleuco P. P. Cassatis, quae pragmaticis vel adnotatione manus nostrae potuerint impetrari, et manentibus his, quae jam dudum super hoc definita sunt, et veterum principum sanctione servata, nisi ex die prolatae legis omnes Donatistae, tam sacerdotes quam clerici laicique, catholicae se, a qua sacrilege descivere, rediderint, tunc inlustres singillatim poenae nomine fisco nostro auri pondo quinquaginta cogantur inferre, spectabiles auri pondo quadraginta, senatores auri pondo triginta, clarissimi auri pondo viginti, sacerdotales auri pondo triginta, principales auri pondo viginti decuriones auri pondo quinque, negotiatores auri pondo quinque, plebei auri pondo quinque, circumcelliones argenti pondo decem. Qui nisi a conductoribus, sub quibus conmanent, vel procuratoribus executori exigenti fuerint praesentati, ipsi teneantur ad poenam, ita ut nec domus nostrae homines ab huiuscemodi censura habeantur inmunes. Uxores quoque eorum maritalis segregatim multa constringat. Eos enim, quos nequaquam inlata damna correxerint, facultatum omnium publicatio subsequetur. Servos etiam dominorum admonitio vel colonos verberum crebrior ictus a prava religione revocabit, ni malunt ipsi ad praedicta dispendia, etiam si sunt catholici, retineri. Clerici vero ministrique eorum ac perniciosissimi sacerdotes, ablati de Africano solo, quod ritu sacrilego polluerunt, in exilium viritim ad singulas quasque regiones sub idonea prosecutione mittantur, ecclesiis eorum vel conventiculis praediisque, si qua in eorum ecclesias haereticorum largitas prava contulit, proprietati potestatique catholicae, sicut jam dudum statuimus, vindicatis."

decisions long ago rendered in this matter remaining in force and the law laid down by former princes being observed,— if from the day of the promulgation of this law all Donatists, priests, clerics, and laity, shall not have returned to the Catholic belief from which they have sacrilegiously departed, *illustres* shall each be fined fifty pounds of gold, *spectabiles* forty pounds of gold, *senatores* thirty pounds of gold, *clarissimi* twenty pounds of gold, *sacerdotales* thirty pounds of gold, *principales* twenty pounds of gold, *decuriones* five pounds of gold, *negotiatores* five pounds of gold, *plebei* five pounds of gold, *circumcelliones* ten pounds of silver. If on demand of the commissioner (*executor*) such persons are not produced by the lessees on whose estates they live or by the stewards of these estates, such lessees shall themselves be responsible for the fines, and not even the men of our own household shall have immunity from a judgment of this sort. Fines imposed upon husbands shall also operate separately against their wives. Upon those whom these penalties shall have failed to correct there shall be imposed confiscation of all their property. The admonition of the masters will recall slaves from their depraved religion and frequent whippings the *coloni*, unless the masters prefer to be held liable, even though they be Catholics, for the fine mentioned above. Let their clerics and their assistants and their most pernicious priests, removed from the African soil which they have polluted by their sacrilegious worship, be sent separately to different regions under a suitable guard. Their churches or meeting-places and their lands, if the depraved munificence of the heretics shall have conferred such possessions upon their churches, shall be taken over into Catholic ownership and control, as we have already decreed.

Augustine summarizes the Emperor's edict as follows:[1] "Everything, therefore, that was held in the name of the churches of the party of Donatus was ordered by the

[1] Aug., *Ep.*, 185, 9, 36.

Christian emperors, in their pious laws, to pass to the Catholic Church, with the possession of the buildings themselves."

Marcellinus, who had directed the conference, remained in Africa till 413 as special commissioner (*executor*) for the Emperor. But he was under the careful supervision of Augustine. We possess numerous letters that passed between Marcellinus and Augustine relative to the religious persecution.[1] Augustine wrote to Marcellinus in the year 412:[2]

Although we might silently pass over the execution of criminals who may be regarded as brought for trial not upon an accusation of ours, but by an indictment presented by those to whose vigilance the preservation of the public peace is entrusted, we do not wish to have the suffering of the servants of God avenged by the infliction of precisely similar injuries in the way of retaliation. Not, of course, that we object to the removal from those wicked men of the liberty to perpetrate further crimes; but our desire is rather that justice be satisfied without the taking of their lives or the maiming of their bodies in any part, and that, by such coercive measures as may be in accordance with the laws, they be turned from their insane frenzy to the quietness of men in their sound judgment, or compelled to give up mischievous violence and betake themselves to some useful labor. . . .

Do not lose now that fatherly care which you maintained when prosecuting the examination, in doing which you extracted the confession of such horrid crimes, not by stretching them on the rack, not by furrowing their flesh with iron claws, not by scorching them with flames, but by beating them with rods,—a mode of correction used by schoolmasters, and by parents themselves in chastising children, and often also by bishops in the sentences awarded by them. . . . The necessity for harshness is greater in the investigation than in the in-

[1] Aug., *Epp.*, 133, 136, 138, 139, 143. [2] *Ibid.*, 133.

fliction of punishment; for even the gentlest men use diligence and stringency in searching out a hidden crime, that they may find to whom they may show mercy. Wherefore it is generally necessary to use more rigor in making inquisition, so that when the crime has been brought to light, there may be scope for displaying clemency. . .

In fine, you have been sent hither for the benefit of the Church. I solemnly declare that what I recommend is expedient in the interests of the Catholic Church, or, that I may not seem to pass beyond the boundaries of my own charge, I protest that it is for the good of the Church belonging to the diocese of Hippo. If you do not harken to me asking this favor as a friend, harken to me offering this counsel as a bishop; although, indeed, it would not be presumption for me to say—since I am addressing a Christian and especially in such a case as this—that it becomes you to harken to me as a bishop commanding with authority. . . . I am aware that the principal charge of law cases connected with the affairs of the Church has been devolved on your Excellency, but as I believe that this particular case belongs to the very illustrious and honorable proconsul, I have written a letter to him also, which I beg you not to refuse to give to him, or, if necessary, recommend to his attention; and I entreat you both not to resent our intercession or counsel, or anxiety, as officious.

Another letter of 412 from Augustine to Marcellinus shows that the former's policy of forcible conversions through the medium of the rigor of the law was efficacious. The letter reads:[1]

The acts which your Excellency promised to send me I am eagerly expecting, and I am longing to have them read as soon as possible in the church at Hippo, and also, if it can be done, in all the churches established within the diocese, that all may hear and become thoroughly familiar with the men

[1] Aug., *Ep.*, 139.

who have confessed their crimes, not because the fear of God subdued them to repentance, but because the rigor of their judges broke through the hardness of their most cruel hearts, . . . some of them persisting in the impiety of schism in fellowship with such a multitude of atrocious villains, while deserting the peace of the Catholic Church on the pretext of the unwillingness to be polluted by others' crimes; others declaring that they will not forsake the schismatics, even though the certainty of Catholic truth and the perversity of the Donatists have been demonstrated to them. The work, which it has pleased God to entrust to your diligence, is of great importance. My heart's desire is that many similar Donatist cases may be tried and decided by you as these have been, and that in this way the crimes and the insane obstinacy of these men may be often brought to light; and that the acts recording these proceedings may be published, and brought to the knowledge of all men.

As to the statement in your letter, that you are uncertain whether you ought to commend the said acts to be published in Theoprepia, my reply is, let this be done, if a large multitude of hearers can be gathered there; if this be not the case, some other place of more general resort must be provided; it must not, however, be omitted on any account.

As to the punishment of these men, I beseech you, to make it something less severe than sentence of death, although they have, by their own confession, been guilty of such grievous crimes. I ask this out of regard both for our own consciences and for the testimony thereby given to Catholic clemency. For this is the special advantage secured to us by their confession, that the Catholic Church had found an opportunity of maintaining and exhibiting forbearance towards her most violent enemies; since in a case where such cruelty was practised, any punishment short of death will be seen by all men to proceed from great leniency. And although such treatment appears to some of our communion, whose minds are agitated by these atrocities, to be less than the crimes deserve, and to have somewhat the aspect of weakness and dereliction of

duty, nevertheless when the feelings, which are wont to be immoderately excited while such events are recent, have subsided after a time, the kindness shown to the guilty will shine with more conspicuous brightness, and men will take much more pleasure in reading these acts and showing them to others, my lord justly distinguished and son very much beloved and longed for.

The laws were applied equally rigorously against Primianists and Maximianists.[1] Buildings and goods were confiscated.[2] At Hippo the property of the Donatists was turned over to the Church of Augustine.[3] At Uzali and at Carthage the Donatist churches went to the Catholics.[4] The findings of the court were published and circulated together with the edict of Marcellinus.[5] Augustine got out an edition of the proceedings together with an abridgment thereof.[6] These acts, *Gesta Collationis,* were read at the beginning of each year in many cities, as at Carthage, Thagasta, and Hippo.[7] And, as the Donatists continued to allege fraud, the Council of Numidia on the eleventh of June, 412, decided to instruct the multitude by a synodal letter which Augustine wrote. In this *Warning to the Donatists,* he recounted the debates and drew conclusions.[8] Augustine preached many sermons on the subject [9] and wrote to the imperial commissioners, proconsuls, vicar and the newly converted.[10] He debated with Emeritus of Caesarea

[1] Aug., *Ad. Donat. post Coll.,* 17, 21.
[2] Aug., *Contr. Gaud.,* i, 36, 46; 37, 50; 38, 51.
[3] Aug., *In Johan. Evang. Tract.,* vi, 25.
[4] Aug., *Contr. Gaud.,* i, 6, 7. *De Mirac. Sanc. Steph.,* i, 7.
[5] *Sententia Cognitoris.* [6] Aug., *Ret.,* ii, 65; *Brev. Coll.,* i, *Praef.*
[7] Aug., *Gesta cum Emer.,* 4.
[8] Aug., *Ret.,* ii, 66; *Ep.,* 141; *Ad Donat. post Coll.*
[9] Aug., *Serm.,* 10, 99, 112, 138, 147, 164, 182, 183, 357, 358, 359; *Enarr. in Ps.,* 67, 147; *In Johan. Evang. Tract.,* iv-xii; *Ep.,* 144, 1-3.
[10] Aug., *Epp.* 86, 133, 139, 142, 144, 151, 155, 185, 204.

and Gaudentius of Thamugadi.[1] And he composed, in addition to his *Ad Donatistas post Collationem*[2] (412), *De Correctione Donatistarum*[3] (417), which contained a careful exposition of his attitude towards the legitimate use of persecution, and the laws of repression. It was addressed to Count Boniface and reads:[4]

To Boniface, Concerning the Correction of the Donatists. . . . Let all be called to salvation, let all be recalled from the path of destruction,—those who may, by sermons of Catholic preachers; those who may, by edicts of Catholic princes. . . . Whosoever, therefore, refuses to obey the laws of the Emperors which are enacted against the truth of God, wins for himself a great reward; but whosoever refuses to obey the laws of the Emperors which are enacted in behalf of truth, wins for himself great condemnation. . . .

. . . Again I ask, if good and holy men never inflict persecution upon anyone, but only suffer it, whose words do they think those are in the psalms where we read, "I have persued mine enemies, and overtaken them; neither did I turn again till they were consumed"? If, therefore, we wish either to declare or to recognize the truth, there is a persecution of unrighteousness, which the impious inflict upon the Church of Christ; and there is a righteous persecution, which the Church of Christ inflicts upon the impious. She, therefore, is blessed in suffering persecution for righteousness' sake; but they are miserable, suffering persecution for unrighteousness. Moreover, she persecutes in the spirit of love, they in the spirit of wrath; she that she may correct, they that they may overthrow; she that she may recall from error, they that they may drive headlong into error. Finally, she persecutes her enemies and arrests them, until they become

[1] Aug., *Ret.*, ii, 72; ii, 77; ii, 85.

[2] *Ibid.*, ii, 66.

[3] *Ibid.*, ii, 74; *Ep.*, 185.

[4] Aug., *Ep.*, 185 (417 A. D.).

weary in their vain opinions, so that they should make advance in the truth; but they returning evil for good, because we take measures for their good, to secure their eternal salvation, endeavor even to strip us of our temporal safety, being so in love with murder, that they commit it on their own persons when they cannot find victims in any others. For in proportion as the Christian charity of the Church endeavors to deliver them from that destruction, so that none of them shall die, so their madness endeavors either to slay us, that they may feed the lust of their own cruelty, or even to kill themselves, that they may not seem to have lost the power of putting men to death. . . .

Whence it appears that great mercy is shown towards them, when by the force of those very imperial laws they are in the first instance rescued against their will from that sect in which, through the teaching of lying devils, they learned those evil doctrines, so that afterwards they might be made whole in the Catholic Church. . .

It is indeed better (as no one ever could deny) that men should be led to worship God by teaching, than that they should be driven to it by fear of punishment or pain; but it does not follow that because the former course produces the better men, therefore those who do not yield to it should be neglected. . . . Some, indeed, set before us the sentiments of a certain secular author who said, "'Tis well, I ween, by shame the young to train, and dread of meanness, rather than by pain." This is unquestionably true. But whilst those are better who are guided aright by love, those are certainly more numerous who are corrected by fear. . . . For in another place he says that not only the servant, but also the undisciplined son, must be corrected with stripes, and that with great fruits as the result; for he says: "Thou shalt beat him with the rod, and thou shalt deliver him from hell." . . .

Why, therefore, should not the Church use force in compelling her lost sons to return, if the lost sons compelled others to their destruction? . . . Since then they cannot show that the destination is bad to which they are compelled, they

maintain that they ought not to be compelled by force even to what is good. . . .

And as to the charge that they bring against us, that we covet and plunder their possessions, I would that they would become Catholics, and possess in peace and love with us, not only what they call theirs, but also what confessedly belongs to us. But they are so blinded with the desire of uttering calumnies, that they do not observe how inconsistent their statements are with one another. At any rate, they assert, and seem to make it a subject of most invidious complaint among themselves, that we constrain them to come into our communion by violent authority of the laws,—which we certainly should not do by any means, if we wished to gain possession of their property. . . .

Conversions were innumerable; great multitudes returned to the Church,[1] even whole cities at a time,[2] as Caesarea in Mauritania and Fussala near Hippo.[3] And, as we shall see later, the Councils were actively engaged in restoring the converted to a position in the Church.[4]

The Catholic triumph was stoutly resisted in places. In Numidia and Mauritania partisans for reconciliation were in the minority and the masses were terrified by the all powerful fanatics.[5] The majority of the Donatist bishops were fatihful to their principles.[6] Some resisted conversion

[1] Aug., *Ep.*, 204, 1, "Ingentes eorum multitudines"; *Ep.*, 185, 2, 7; 3, 13; 8, 32-33; *Contr. Gaud.*, i, 24, 27; *Epp.*, 142; 144; 208; Possid., *op. cit.*, 15.

[2] Aug., *Gest. cum Emer.*, 2.

[3] Aug., *Ep.*, 209, 2.

[4] *Cf. infra*, pp. 195-196.

[5] Aug., *Ep.*, 185, 7, 30.

[6] *Ibid.*, 141, 1, 12; Aug., *Brev. Coll.*, iii, 18, 36; *Ad Donat. post Coll.*, i, 1; 4, 6; 12, 16; 13, 17; 17, 21; 19, 25; 34, 57; 38, 58; *Ret.*, ii, 66; Possid., *op. cit.*, 16.

even at the risk of their lives.[1] Many were exiled,[2] some committed suicide.[3] Churches that had been taken away were burned,[4] and the circumcelliones raged against the converted and the propagandists,[5] they burned the houses of clerics, churches and sacred books.[6] Any hesitancy on the part of the orthodox clergy to face the situation caused the Councils to threaten excommunication for neglect of duty in regaining the Donatists.[7]

Marcellinus quite naturally had made many enemies and when he and his brother, the proconsul Apringus, were accused as accomplices in the revolt of Heraclian, not even the most strenuous efforts of their friends, the Catholic bishops (who even appealed to Rome in their behalf) could save their lives. They were executed by Count Marinus at Carthage on the thirteenth of September, 413. Caecilianus succeeded Marcellinus, but before he could gain the support of the African men of moment he was forced to convince Augustine and the orthodox that he had not been instrumental in the overthrow of their former champion, Marcellinus.[8] This change of leaders was looked upon as a reaction by the heretics as well as by the orthodox. The Donatists pretended that the condemnation of Marcellinus entailed the annulment of all his acts, including the sentence of the year 411 and the edicts of proscription. The government, however, had its policies definitely in mind and so issued on the thirtieth of August, 414, a confirmation of

[1] Aug., *Ep.*, 173, 1 and 4.
[2] Aug., *Contr. Gaud.*, i, 14, 15; 16, 17; 18, 19.
[3] Aug., *Ep.*, 204, 1-2; *Contr. Gaud.*, i, 37, 47.
[4] *Ibid.*, i, 6, 7.
[5] Aug., *Epp.*, 133, 1; 134, 2; 139, 1-2.
[6] Aug., *Ep.*, 185, 7, 30; *Gest. cum Emer.*, 9; Possid., *op. cit.*, 15.
[7] *Cod. Can. Ecc. Af.*, Can., 123-124.
[8] Aug., *Ep.*, 151, 3-9; *cf.* Oros., *op. cit.*, vii, 42.

all the acts of the previous administration:[1] "Whatever has been enacted against the Donatists by the care and solicitude of Marcellinus, we will that this be transcribed in the public records and given perpetual force. For a public trust ought not to perish with the death of the advocate."

And by a law of the seventeenth of June, 414, the Emperor ordered Julian, the proconsul, to proceed against the heretics:

We decree that the Donatists and other heretics, whom till now our clemency has protected, are to be suppressed by the competent authority. By clear statements they are to be given to understand that they are to be incapable of testating or of entering into any contract, and that, branded with perpetual infamy, they are to be segregated from honorable gatherings and public meetings. Those places in which up till now the dire superstition has been maintained are to be given over to the venerable Catholic Church; and all their bishops, presbyters, priests and ministers are to be despoiled of all their possessions and sent in exile to separate islands and provinces. And if anyone shall have received and sought to conceal persons fleeing from the ordained punishment, let him know that his patrimony is to be confiscated and that he himself must undergo the punishment decreed against these persons. Losses of property and the fines that are to be imposed upon men, women, individuals and dignitaries we fix definitely according to their rank. If anyone shall have been inducted into the office of proconsul, vicar or count of the first order, and has not turned his mind and purpose to the observance of the Catholic faith, let them be fined two hundred pounds of

[1] *Cod. Theod.*, xvi, 5, 55. "Juliano Proconsuli Africae. Notione et sollicitudine Marcellini spectabilis memoriae viri contra Donatistas gesta sunt ea, quae translata in publica monumenta habere volumus perpetuam firmitatem. Neque enim morte cognitoris perire debet publica fides."

silver. And lest it be thought that this alone may suffice to bar further prosecution, as often as he shall be proved to have participated in such communion, so often let the fine be collected, and if after five times it is found that he has not been recalled from error by amercements, then let it be referred to our clemency to judge more severely concerning his entire estate and position. Other men of rank (*honorati*) we subject to conditions of this sort, to wit: a senator who is protected by no additional privilege of office, if found in the herd of Donatists, is to pay a fine of one hundred pounds of silver; those who have held priestly office shall be obliged to pay the same; the ten leading curials, fifty pounds; the other decurions, ten pounds of silver, in so far as they prefer to remain in heresy. The lessees of our domains, if they shall have permitted these practices on lands that form part of our venerable property, shall be forced to pay as a penalty the same amount that they have been accustomed to pay as rent. Let the same provision of this our sacred decree apply to those who hold in *emphyteusis*. Furthermore, if the lessees of private property allow conventicles to be held on these estates or if the sacred mysteries shall have been polluted through their indulgence, let the judges refer it to the attention of the owners, whose business it shall be if they wish to evade the punishment of this sacred command, either to correct the erring or to cancel the leases of those persisting, and to provide for their lands masters who keep the divine commands. If they neglect to attend to these matters they shall be fined, under the provisions of duly promulgated law, to the amount of the rents which they are accustomed to receive, so that whatever might have enured to their private resources shall be confiscated to our treasury. Assistants of the various provincial judges who shall be detected in this error are to be fined thirty pounds of silver; and if after having been fined five times they are unwilling to abstain, let them be flogged and sent into exile. The severest constraint shall be employed to keep slaves and coloni from such audacities. If coloni, corrected by the lash, shall persist in this purpose, let them be

fined a third part of their personal property. And let all that may be collected from men or places of this sort be turned over to our treasury.[1]

[1] *Cod. Theod.*, xvi, 5, 54. "Juliano Proc. Afric. Donatistas adque haereticos, quos patientia clementiae nostrae nunc usque servavit, conpetenti constituimus auctoritate percelli, quatenus evidenti praeceptione se agnoscant et intestabiles et nullam potestatem alicuius ineundi habere contractus, sed perpetua inustos infamia a coetibus honestis et a conventu publico segregandos. Ea vero loca, in quibus dira superstitio nunc usque servata est, catholicae venerabili ecclesiae socientur, ita ut episcopi presbyteri omnesque antistites eorum et ministri spoliati omnibus facultatibus ad singulas quasque insulas adque provincias exulandi gratia dirigantur. Quisque autem hos fugientes propositam ultionem occultandi causa susceperit, sciat et patrimonium suum fisci nostri conpendiis adgregandum et se poenam, quae his proposita est, subiturum. Damna quoque patrimonii poenasque pecuniarias evidenter inponimus viris mulieribus, personis singulis et dignitatibus pro qualitate sui quae debeant inrogari. Si igitur proconsulari aut vicariano vel comitivae primi ordinis quisque fuerit honore subcinctus, nisi ad observantiam catholicam mentem propositumque converterit, ducentas argenti libras cogetur exsolvere fisci nostri utilitatibus adgregandas. Ac ne id solum putetur ad resecandam intentionem posse sufficere, quotienscumque ad communionem talem accessisse fuerit confutatus, totiens multam exigatur, et si quinquies eundem constiterit nec damnis ab errore revocari, tunc ad nostram clementiam referatur, ut de solida eius substantia ac de statu acerbius judicemus. Huiusmodi autem condicionibus etiam honoratos reliquos obligamus, scilicet ut senator, qui nullo munitus extrinsecus privilegio dignitatis, inventus in grege Donatistarum centum libras solvat argenti, sacerdotales eandem summam cogantur exsolvere, decem primi curiales quinquaginta libras argenti addicantur, reliqui decuriones X solvant libras argenti, quicumque in haeresi maluerint permanere. Conductores autem domus nostrae si haec in praediis venerabilis substantiae uti permiserint, tantum pensione poenae nomine cogantur inferre, quantum in conductione pensitare consuerunt. Eadem quoque enfyteuticarios auctoritas sacrae definitionis adstringet. Conductores vero privatorum si permiserint in isdem praediis conventicula haberi vel eorum patientia sacrum mysterium fuerit inquinatum, referatur per judices ad scientiam dominorum, quorum interierit, si poenam volunt sacrae jussionis evadere, aut errantes corrigere aut perseverantes commutare ac tales praediis suis praebere rectores, qui divina praecepta custodiant. Quod si procurare neglexerint, hi quoque in pensiones, quas accipere consuerunt, prolatae praeceptionis auctoritate multentur, ut, quod ad conpendia

All former enactments were renewed by the law of the twenty-fifth of August, 415, which reads: "Let all who have corrupted their rites with heretical superstition know that, if hereafter in the rash purpose of carrying on their criminal practices they shall endeavor to assemble in public, they are to be visited with proscription of goods and capital punishment, as enemies of sacrosanct law, to the end that true and divine reverence may not be defiled." [1]

The successor of Honorius, Valentinian III, carried out these same policies regarding the African heretics and pagans. He issued the following law of the sixth of July, or of the fourth of August, 425: "To Georgius, proconsul of Africa. We follow up all heresies, all breaches of faith, all schisms and heathen superstitions and all errors hostile to the Catholic law. If anyone . . . let the penalty established by our clemency attach to the acts, and let the authors of sacrilegious superstition and those who knowingly participate therein understand that they are to be punished with proscription, to the end that, if they cannot be drawn back from the error of faithlessness by reason, they may at least be summoned back by terror, and, all recourse in the way of petition being forever denied, they may be pun-

eorum pervenire poterat, sacro jungatur aerario. Officiales autem diversorum judicum si in hoc errore fuerint deprehensi, ad triginta librarum argenti inlationem poenae nomine teneantur, ita ut, si quinquies condemnati abstinere noluerint, coherciti verberibus exilio mancipentur. Servos vero et colonos cohercitio ab huiusmodi ausibus severissima vindicabit. Ac si coloni verberibus coacti in proposito perduraverint, tunc tertia peculii sui parte multentur. Adque omnia, quae ex huiusmodi generibus hominum locisque colligi poterunt, ad largitiones sacras ilico dirigantur."

[1] *Cod. Theod.*, xvi, 5, 56. "Heracliano Com. Afric. Sciant cuncti, qui ritus suos haeresi superstitionis obrepserant, sacrosanctae legis inimici plectendos se poena et proscribtionis et sanguinis, si ultra convenire per publicum exercendi sceleris sui temeritate tempaverint, ne qua vera divinaque reverentia contagione temeretur."

ished with the severity due their crimes." [1] And another law of the sixth of August, 425, reads: "We command the Manichaeans, heretics or schismatics, and every sect hostile to the Catholic faith be thrust out of the very sight of the various cities, that these may not be defiled by the contagion of the presence of the guilty. We therefore command that all persons who are tainted with these unhappy errors be excluded unless timely amendment come to their aid." [2] A law of the thirtieth of May, 428, confirms all of the previous laws. It reads:

The madness of the heretics is to be repressed as follows, to wit: In the first place if anywhere they hold churches which they have taken from the orthodox, let them not doubt that these are to be turned over to the Catholic Church, for it is not to be tolerated that those who ought not to have churches of their own should hold any longer those possessed or established by the orthodox, which in their boldness they have invaded. In the next place, if they join to themselves other clerics, or, as they fancy, priests, let a fine of ten pounds of gold be exacted from each individual who may have done this or suffered it to be done and let this be paid into our treasury; and if poverty be alleged, let the fine be collected from the entire body of the clergy of the same superstition or from the

[1] *Ibid.*, xvi, 5, 63. "Georgio Proconsuli Africae. Omnes haereses omnesque perfidias, omnia schismata superstitionesque gentilium, omnes catholicae legi inimicos insectamur errores. Si quos vero . . . haec quoque clementiae nostrae statuta poena comitetur et noverint sacrilegae superstitionis auctores participes conscios proscribtione plectendos, ut ab errore perfidiae, si ratione retrahi nequeunt, saltem terrore revocentur et universo supplicationum aditu in perpetuum denegato criminibus debita severitate plectantur."

[2] *Cod. Theod.*, xvi, 5, 64. "Basso Comiti Rerum Privatarum. Post alia; Manichaeos haereticos sive schismaticos omnemque sectam catholicis inimicam ab aspectu urbium diversarum exterminari praecipimus, ut nec praesentiae criminosorum contagione foedentur. Omnes igitur personas erroris infausti jubemus excludi, nisi his emendatio matura subvenerit."

votive offerings. Furthermore, since all are not to be punished with the same austerity, let it not be permitted to the Arians, Macedonians, and Apollinarians, whose crime is that, deceived by evil meditation, they believe lies concerning the source of truth, to have a church in any city; from the Novatians and Sabbatians let all license for innovation be taken away, if by chance they attempt any; let not the Eunomians, Valentinians, Montanists or Priscillianists, Phrygians, Marcianists, Borborians, Messalians, Euchitae or Enthusiastae, Donatists, Audians, Hydroparastats, Tascodrogits, Photians, Palians, Marcellians or the Manichaeans, who have reached the very vilest depth of sin, be allowed to assemble and pray anywhere on Roman soil. And let the Manichaeans, furthermore, be expelled from the cities. For to none of all these should any place be left where wrong may be done to the very elements. No imperial service should be permitted them except in the provincial guards and the camps. No right whatever is conceded of making or taking gifts or of leaving or receiving property by testament or last will. All the laws framed and promulgated long ago and at diverse times against these and the others who oppose our faith are to be forever in full force and active observance, whether they relate to donations made to the churches of the heretics, or to goods left by last will in whatever form, or to those private buildings in which they assemble with the consent or connivance of the owner and which are to be taken over by us for the Catholic Church, or to the steward who does this without the knowledge of the owner and who is to be fined ten pounds of gold or exiled, if he be a free man, or deported to the mines after having been flogged, if he be of servile condition; the purpose of all these laws being that they shall not be permitted to convene in a public place or to build churches for themselves or to plan any evasion of the laws, all aid, civil or military, whether of the curiae or the defensores or the judges being denied them under the penalty of a fine of twenty pounds of gold. All those laws, moreover, remain in force which have been promulgated concerning the imperial service, concerning the complete denial

of the right of donation and testation or the concession of such right under restrictions to certain persons and concerning varying penalties in the case of different heretics; provided always that no special exemption obtained contrary to the laws shall be valid. To none of the heretics shall it be permitted to rebaptize freemen or their own slaves who have already been initiated into the mysteries of the orthodox; nor to prohibit those whom they may have bought or whom they possess under any title and who are not yet adherents of their superstition from following the religion of the Catholic Church. Whoever does this or, being a free-born man, allows it to be done to him or does not report the deed, shall be condemned to exile and a fine of ten pounds of gold, and in either case there shall be forfeiture of the right of testament and donation. All of this we order so executed that no judge may direct that a crime, made known to him, be visited with a lesser punishment or go entirely unpunished, unless he be prepared to suffer that penalty which by his dissimulation he has spared others.[1]

[1] *Cod. Theod.*, xvi, 5, 65. "Florentio P. P. Haereticorum ita est reprimenda insania, ut ante omnia quas ab orthodoxis abreptas tenent ubicumque ecclesias statim catholicae ecclesiae tradendas esse non ambigant, quia ferri non potest, ut, qui nec proprias habere debuerant, ab orthodoxis possessas aut conditas suaque temeritate invasas ultra detineant. Dein ut, si alios sibi adjungant clericos vel, ut ipsi aestimant, sacerdotes, decem librarum auri multa per singulos ab eo, qui fecerit et qui fieri passus sit vel, si paupertatem praetendant, de communi clericorum eiusdem superstitionis corpore vel etiam donariis ipsis extorta nostro inferatur aerario. Post haec, quoniam non omnes eadem austeritate plectendi sunt, Arrianis quidem, Macedonianis et Apollinarianis, quorum hoc est facinus, quod nocenti meditatione decepti credunt de veritatis fonte mendacia, intra nullam civitatem ecclesiam habere liceat; Novatianis autem et Sabbatianis omnis innovationis adimatur licentia, si quam forte temptaverint; Eunomiani vero, Valentiniani, Montanistae seu Priscillianistae, Fryges, Marcianistae, Borboriani, Messaliani, Euchitae sive Enthusiastae, Donatistae, Audiani, Hydroparastatae, Tascodrogitae, Fotiniani, Pauliani, Marcelliani et qui ad imam usque scelerum nequitiam pervenerunt Manichaei nusquam in Romano solo conveniendi orandique habeant facultatem; Manichaeis

After the Donatists had been deprived of legal rights and penalties had been instituted against the heresy, careful oversight on the part of the officials and clergy resulted in numerous conversions. The African Councils were busy with plans for the reorganization necessitated by the influx of reconciled communities. A Council of Byzance in May, 418, decided "that the reconciliation of the converted schismatics ought to be effected by the simple laying on of hands." [1] And at least two hundred of the bishops as-

etiam de civitatibus expellendis, quoniam nihil his omnibus reliquendum loci est, in quo ipsis etiam elementis fiat injuria. Nulla his penitus praeter cohortalinam in provinciis et castrensem indulgenda militia; nullo donationis faciendae invicem, nullo testamenti aut voluntatis ultimae penitus jure concesso, cunctisque legibus, quae contra hos ceterosque, qui nostrae fidei refragantur, olim latae sunt diversisque promulgatae temporibus, semper viridi observantia valituris, sive de donationibus in haereticorum factis ecclesias, sive ex ultima voluntate rebus qualitercumque relictis, sive de privatis aedificiis, in quae domino permittente vel conivente convenerint, venerandae nobis catholicae vindicandis ecclesiae, sive de procuratore, qui hoc nesciente domino fecerit, decem librarum auri multam vel exilium, si sit ingenuus, subituro, metallum vero post verbera, si servilis condicionis sit; ita ut nec in publico convenire loco nec aedificare sibi ecclesias nec ad circumscribtionem legum quicquam meditari valeant, omni civili et militari, curiarum etiam et defensorum et judicum sub viginti librarum auri interminatione prohibendi auxilio. Illis etiam in sua omnibus manentibus firmitate, quae de militia et donandi jure ac testamenti factione vel neganda penitus vel in certas vix concessa personas poenisque variis de diversis sunt haereticis promulgatae, ita ut nec speciale quidem beneficium adversus leges valeat impetratum. Nulli haereticorum danda licentia vel ingenuos vel servos proprios, qui orthodoxorum sunt initiati mysteriis, ad suum rursus baptisma deducendi, nec vero illos, quos emerint vel qualitercumque habuerint necdum suae superstitioni cunjunctos, prohibendi catholicae sequi religionem ecclesiae. Quod qui fecerit vel, cum ingenuus, in se fieri passus sit vel factum non detulerit, exilio ac decem librarum auri multa damnabitur, testamenti et donationis faciendae utrique deneganda licentia. Quae omnia ita custodiri decernimus, ut nulli judicum liceat delatum ad se crimen minori aut nulli cohercitioni mandare, nisi ipse id pati velit, quod aliis dissimulando concesserit."

[1] Ferrandus, *Breviatio*, Can., 174.

sembled in the sixteenth Council of Carthage in May, 418, passed a series of eleven canons relative to conversions and the delimitation of dioceses.[1] The canons are as follows:

Can. 9 (117). It was ordered by a full council some years ago that communities which, before the publication of the imperial laws against Donatists, had already become Catholic, should become part of the diocese of those bishops who had converted them to Catholicism; but if they had entered into the communion of the church after the publication of these laws they should be attributed to the dioceses to which they really belonged during the time that they were Donatists. This ordinance having occasioned and still causing many differences between the bishops, the following has been decided: Whenever in any place whatsoever, a Catholic Church and a Donatist church are neighboring and belong to different dioceses, the two should make part of the diocese to which the Catholic Church belongs, no matter whether the Donatist party has been converted before or after the publication of the imperial laws.

Can. 10 (118). If the Donatist bishop is converted, the two bishops (he and the Catholic) ought to divide the diocese into parts, so that the one part shall obey the one, and the other the other. The bishop that was ordained first shall make the division and the other have the first choice; if there be any part over which they are undecided, it shall pertain to the one who is nearest. If the two episcopal seats are equally distant, the people shall decide by a majority vote; if there be a ballot, the more ancient bishop shall preside. But if the places to be divided are of a population so unequal that a perfect equality can not be established, the locality which shall remain after the division should be treated as is ordered done (in the proceeding canon) for a particular locality.

Can. 11 (119). If after the publication of this law, a bishop shall have restored a locality to the Catholic unity, and

[1] Hefele, *op. cit.*, ii, 1, 190-196; Harduin, *op. cit.*, i, 930; Mansi, *op. cit.*, iii, 810-823; iv, 377; *Cod. Can. Ecc. Af.*, can. 117-125, 123-124.

shall hold it under his jurisdiction for three years without any contestation, it may not be taken from him. . . But if a Donatist bishop be converted, this delay shall cause him no prejudice, for there are three years from the date of his conversion for reclaiming the places which may have been taken from his see.

Can. 12 (120). When a bishop, believing that he has right over a church, tries to take it into his power, not by an episcopal judgment but otherwise, he loses by so doing all his rights at the exact moment when another bishop opposes his pretensions.

Can. 13 (121). When a bishop shows no zeal for restoring the localities of his circumspection to the Catholic unity, let the neighboring bishops remonstrate. If during six months he does not give heed, let these localities be adjudged to whatever bishop shall gain them to the Church. . . . In a doubtful case let the primate of the two parties name arbitrators.

Can. 14 (122). One ought not to appeal from judges whom he has chosen of his own accord.

Can. 15 (123). When in his church a bishop shows no zeal against heretics, let the neighboring bishops remonstrate with him. If six months pass without the restoration of the heretics although the commissioners have been in the province, he shall be refused the Catholic communion until he shall have effected the restoration.

Can. 16 (124). If he affirms that he has restored the heretics to communion and this be not so, let him lose his bishopric.

Can. 17 (125). When the priests, deacons and lesser clerics feel that they must complain of a judgment delivered by their bishop, they should, with the consent of this bishop, address the neighboring bishops, who shall judge the difference. If they wish to appeal further, they shall address their primate or the African Council. Whoever shall appeal to a tribunal beyond the sea (Rome) will be excommunicated.

The Donatist party was not exterminated. Circumcelliones still raged,[1] and a Donatist Council of more

[1] Aug., *Gest. cum Emer.*, 12.

than thirty bishops was held in Numidia at about the same time that the Council of Carthage was in session (418). One of the canons of this council declared that priests and bishops converted by force would obtain grace and conserve their dignities in the Donatist Church if they had neither officited nor preached in the church of "*traditores.*" They continued to ordain bishops.[1] Dulcitus, another of the special commissioners sent out by the Emperor, promulgated two edicts on the application of the law of repression for the restoration of unity[2] which resulted in many conversions and even in that of some of the circumcelliones.[3] Yet despite all efforts many remained irreconciled; and among them were Petilian of Constantine, Emeritus of Caesarea, and Gaudentius of Thamugadi, who wrote a polemic against Augustine about the year 420.[4]

[1] Aug., *Contr. Gaud.*, i, 37, 47-48.

[2] Aug., *Ep.*, 204, 3; *Contr. Gaud.*, i, 1, 1; i, 19, 21; ii, 31, 40; *Ret.*, ii, 85.

[3] *Ibid.*, i, 11, 12; i, 12, 13; i, 33, 42-43; i, 14, 15; i, 16, 17; i, 18, 19.

[4] Aug., *Gest. cum Emer.*, 1; *Serm. ad Caesar. Ecc. pleb.*, 6; *Contr. Gaud.*, i, 14, 15; i, 29, 33; i, 1, 1; i, 11, 12; *Ret.*, ii, 77; ii, 85; *Ep.*, 204, 1, 9; Possid., *op. cit.*, 16; C. I. L., vii, 21570, 21571-21574.

CHAPTER VIII

The Manichaeans, Pelagians and Arians

I

The Manichaeans had been the first of Augustine's heretical opponents. Even before his ordination, he had written much against them: *De Libero Arbitrio, De Genesi adversus Manichaeos, De Moribus Ecclesiae Catholicae, De Moribus Manichaeorum, De Vera Religione*—the five works which were spoken of by Paul as "Augustine's Anti-Manichaean Pentateuch."[1] After his return to Africa and his ordination, Augustine continued his work against this sect. In fact he was so active against them during his earlier career that Cassiodorus has said that "he discoursed against these heretics more diligently and with keener force than against any other."[2] His African polemics were: *De Utilitate Credendi* (391), *De Duabus Animabus* (391), *Disputatio contra Fortunatum* (392), *Contra Adimantum* (397), *Contra Epistolam Manichaei quam vocant Fundamenti* (c 397), *Contra Faustum* (c 400), *De Actis cum Felice Manichaeo* (407), and *De Natura Boni* and *Contra Secundinum Manichaeum.*

Though he wrote much against this heresy, his attitude towards it was vastly different from that which we have seen him exhibiting toward the Donatists and the pagans.

[1] Aug., *Ep.*, 25, 2.

[2] Cassiodorus, *Institutes*, 1, "diligentius atque vivacius adversus eos quam contra haereses alias disseruit."

This, as he himself explained, was due to the fact that he had formerly been a member of their faith.[1] "Let those rage against you who have never been led astray in the way they see that you are set. For my part, I can on no account deal harshly with you, for I must bear with you now as formerly I had to bear with myself, and I must be as patient toward you as my associates were with me, when I went madly and blindly astray in your beliefs." We gather, as well, that when Augustine had developed his great control over the African situation, he was then able to lighten the persecution of this sect. At least after the year 408, he ceased even to write against them; although we know that they continued to have considerable power in Africa. In fact, Augustine and his party favored the Manichaeans to such an extent that their Donatist opponents could claim that they, in practice if not in outward manifestation, were Manichaeans.

This sect, if not particularly persecuted by Augustine, received a very different treatment from the government. Diocletian (c 290) issued a very severe edict against them. This is preserved in the Haenel edition of the *Codex Gregorianus*.[2] It is directed against them primarily as the cult of the Persian enemy and we may surmise that the continued and intolerant edicts of the subsequent emperors, issued even in the times when the clergy were not interested in this particular sect, are the results of something about the religion that was held to be hostile to the state itself. For it is interesting, and apparently significant, that in the days when the emperors were issuing edicts regarding this sect neither Ambrose nor Jerome were concerned with them.

[1] Aug., *Contr. Epist. Fundam.*, 2-3.

[2] *Codex Gregorianus*, iv. Edition Haenel (Bonn, 1837).

At the time of Augustine, this dualistic doctrine of light and darkness, good and evil, had been a familiar one in Africa for at least a hundred years and was widespread. From the above-mentioned law of Diocletian, we know that Manichaeanism had taken root in Rome before the beginning of the fourth century. An edict had been issued to drive its followers from this city.[1] Many indeed had gone to Africa and we find that the Roman bishop, Anastasius (399-401), was afraid that these might return to Rome. As a consequence he resolved to admit into ecclesiastical orders at Rome only those transmaritimes who could produce a letter signed by five bishops.[2]

Augustine's combats with the Manichaeans were limited to arguments with their leaders. We possess accounts of two such encounters. He entered upon the first, held in August of the year 392, at the request of his fellow Christians, both Donatist and Catholic. This was a public conference with Fortunatus, the *savant* of the Manichaean party, and the discussion appears to have been rather mild and amicable.[3] Fortunatus on his part would direct the inquiry toward the conduct of the two parties; Augustine would treat only of doctrine. We are forced to rely on Augustine's account for what took place but according to this, Fortunatus was defeated and left Hippo.[4] If he did leave, it was surely from conviction or at most because of ridicule, not from any compulsion on the part of his opponent, for at this period Augustine was in no case favorable to the use of force; that, he claimed, would only make hypocrites.[5]

[1] *Cod. Theod.*, xvi, 5, 3 (372 A. D.).

[2] Harduin, *op. cit.*, i, 973, decreta 2-3; *Liber Pontificalis*, i, 218; Gregory the Great, *Ep.*, ii, 3, 7.

[3] Possid., *op. cit.*, 5 and 6.

[4] Aug., *Contr. Fortun.*, i; *Ret.*, i, 14, 15, 16; Possid., *op. cit.*, 6.

[5] Aug., *De Musica; In Faust.*, v, 1, 8.

We have no direct statement as to whether the Manichaeans took part in the revolt of Gildo, which occurred between Augustine's first and second encounters with them. But we do know that they were made subject to the repressive measures which followed. On the seventeenth of May, 399, the Emperor issued the following rescript to Dominator, the vicar of Africa:[1] "By special rescript we decree the suppression of the criminal Manichaeans and their execrable assemblages, already condemned by just censure. To this end let them be sought out and brought into the public place and let them when proven to be criminals be restrained by suitable and very severe correction. Let the stings of authority be turned against those who protect them in their homes with a care that is worthy of condemnation." The Manichaeans gloried in the persecution that followed and boasted that they were persecuted for the sake of justice. Yet we know from the case of Faustus that they were not harshly treated. It was Faustus who in the year 400 called forth Augustine's *Reply to Faustus, the Manichaean.* Faustus having been proven to be a Manichaean was banished. The mildness of this sentence was the result of the request of the bishops to the proconsul.[2]

On the seventh and eighth of December, 404, Augustine held a second Manichaean disputation, this time with Felix, the successor of Fortunatus. His challenge to his adversary is contained in the following letter:[3] "Your attempts

[1] *Cod. Theod.,* xvi, 5, 35. "Dominatori Vicario Africae. Noxios Manichaeos execrabilesque eorum conventus, dudum justa animadversione damnatos, etiam speciali praeceptione cohiberi decernimus. Quapropter quaesiti adducantur in publicum ac detestati criminosi congrua et severissima emendatione resecentur. In eos etiam auctoritatis aculei dirigantur, qui eos domibus suis damnanda provisione defendent."

[2] Aug., *In Faust.,* v, 8; *Conf.,* v, 6, 10; *Ret.,* ii, 7.

[3] Aug., *Ep.,* 79.

at evasion are to no purpose; your real character is patent even a long way off. My brethren have reported to me their conversation with you. You say that you do not fear death; it is well: but you ought to fear that death which you are bringing upon yourself by your blasphemous assertions concerning God. . . . In the name of Christ, I demand of you to answer, if you are able, the question which baffled your predecessor, Fortunatus." The conference took place in the Church at Hippo, in the presence of a great multitude.[1] According to Augustine, Felix was defeated and signed a recantation. This victory seems to have satisfied Augustine as far as this sect was concerned. They do not engage him hereafter.

They, however, continued to be of moment to the secular powers. We find them included in the laws against heretics in the laws of the years 405 and again, following the fall of Stilicho, in 408.[2] Accusations were to be public, inquisition became a public duty and members of the sect were to be incapable of testating or inheriting and were forbidden to donate, buy or sell, and the taint of heresy was to extend even after death.

By a law of a later date they were forbidden residence at Rome,[3] lest they corrupt the common people, and this law was soon extended to apply to all the Emperor's domains.[4] The Emperors might well try to drive out the Manichaeans for they were enemies of the state; as such they were among the first to join the Arian Vandal invaders.[5] We find them still in Africa in the days of Leo the

[1] Aug., *Ret.*, ii, 8; *De Act. cum Fel. Man.*

[2] *Cod. Theod.*, xvi, 5, 38, *cf. supra*, p. 116; xvi, 5, 40; xvi, 5, 41, *cf. supra*, p. 122; xvi, 5, 42, *cf. supra*, p. 133; xvi, 5, 43, *cf. supra*, p. 134; xvi, 5, 45, *cf. supra*, p. 135.

[3] *Cod. Theod.*, xvi, 5, 62; *cf.* Leo the Great, *Serm.*, 41.

[4] *Cod. Theod.*, xvi, 5, 64, *cf. supra*, p. 191.

[5] Victor Vitensis, *Hist. Persec. Vandal.*, ii, 1.

Great who succeeded in obtaining against them an edict of banishment from the Emperor Valentinian III in 445.[1]

II

The Donatists were not yet under control when the African clergy disclosed another heresy, Pelagianism. This was to become the subject of no less than twenty-five councils and to involve not Africa alone but the whole of the Christian world. The teachings of this sect had had their origin at Rome but it was the watchful care of Augustine and the African clergy that branded them as heretical. Pelagianism became a heresy as opposed to the Augustinian doctrines of grace and predestination. A delegate from Augustine, Paul Orosius, stirred up Jerome and the East to fight the new teachings. And later Augustine and his fellow-bishops forced the Roman bishops themselves to condemn these doctrines. In fact this struggle was an attempt on the part of the African leaders to interpret and enforce the dogma of the church; and moreover it was a successful endeavor. We have seen how Augustine had previously supervised his colleagues; how he had worked for the destruction of paganism and the suppression of the Donatists; how he had gained control over various officials of the Roman government. Yet the climax of his power and influence came when he was dictating, to Rome itself, the attitude that it was to take toward Pelagianism. Therein lies the importance of this new heresy for this study.

Pelagius, the author of the new schism, was a Briton or Scot who came to Rome before the year 400.[2] He was what might be termed a city monk, a layman who lived ac-

[1] Leo, *Ep.*, 8.

[2] Jerome, *In Hier.*, iii; Orosius, *Apol.*, i, 4; 12, 3; Aug., *Ep.*, 186, 1; Prosper, *Chron.*, 413.

cording to the monastic discipline.[1] He was austere, modest, timid and reserved; in no sense a revolutionary heretic. Yet he was thoroughly educated, possessing a knowledge of Greek; a rather unusual accomplishment in those days.[2] He seems to have gained a very large influence, having among his friends such persons as Paul of Nola, Simplicius Severus, Rufinus, Pammachius, Demetria and Proba.[3] He corresponded with various bishops and was esteemed by Augustine himself.[4] His first convert was a noble lawyer named Celestius,[5] who was of the aggressive type and he it was who brought on the conflict with the orthodox.

Pelagius and Celestius were of the number who migrated from Rome to Africa about the year 410.[6] From that time on their lives were a continuous struggle. Pelagius himself passed on to the East but Celestius applied for admission to clerical orders.[7] It appears that Celestius' teachings had already been made known to the African clergy by Paul of Milan.[8] The bishops demanded an investigation and a council was called by Aurelius, at Carthage in 411 to consider the case.[9] Paul had summarized the errors of Celestius as follows: Adam would have died even if he had not sinned; Adam's faults affected only Adam; Infants at birth are in the same state as Adam

[1] Aug., *De Gest. Pel.*, 35, 36; Jerome, *In Hier.*, iii; Oros., *Apol.*, 4; Zosimus, *Ep., ad Afric.*

[2] Aug., *De Gest. Pel.*, ii.

[3] Aug., *De Grat.*, 35, 38; Pelagius, *Ep., ad Innoc.;* Aug., *Ep.*, 186, 1.

[4] Aug., *Ep.*, 186, 1; *De Pecc.*, ii, 25, 41; ii, 16, 25; iii, 1; *Ret.*, ii, 33.

[5] Aug., *De Gest. Pel.*, 35, 62.

[6] Marius Mercator, *Comm.*, 132; Pelagius, *Ep. ad Demetr.*, 30.

[7] Aug., *Ep.*, 157, 22.

[8] Mar. Merc., *Comm.*, 132.

[9] Mansi, *op. cit.*, iv, 289-292; Aug., *Ep.*, 175, 1; *Ret.*, 2, 33; *Ep.*, 139, 2, 3; Harduin, *op. cit.*, i, 1201.

before his fall; The human race is not to die for Adam's sin, nor to be resurrected because of the resurrection of Christ; The law leads to heaven just as surely as does the testament; There had been men without sin before Christ.[1] Celestius defended himself on the grounds that the orthodox (citing Rufinus) were not agreed on these points, that they were still open questions. As a part of the acts of this council are lost we cannot be sure of the outcome.[2] We know, however, that Celestius left directly for the East.

Augustine, although he was not at the council,[3] immediately took up the conflict. It is to be noted, however, that this attack was purely on the doctrines—it did not become a personal one, directed against the leaders, before 415.[4] He preached against the doctrines,[5] and late in the year 411 or early in the year 412 he wrote his *De Peccatorum Meritis et Remissione et De Baptismo Parvulorum ad Marcellinum*, and *De Spiritu et Littera ad Marcellinum.* These, it will be observed, were addressed to the imperial commissioner, and the reason was that he had been sought as a partisan of the new error,[6] and had written to Augustine for instruction. And of no less importance than these writings was the act of Augustine in despatching his disciple, Paul Orosius, to Jerome in the Orient with information regarding the new heresy.[7]

Pelagius had entered Palestine and it was against him

[1] Aug., *De Pecc.*, iii, 4; *De Gest. Pel.*, ii, 2, 3, 4; Hefele, *op. cit.*, ii, 1, 169 *et seq.*

[2] Harduin, *op. cit.*, i, 1201; Aug., *De Grat.*, ii, 2, 3, 4; Mar. Mer., *Comm.*, 133.

[3] Aug., *De Gest. Pel.*, 11, 23.

[4] Aug., *Ret.*, ii, 33.

[5] Aug., *Serm.*, 152, 153, 154, 155, 156, 158, 170, 174, 176; *Ret.*, ii, 33.

[6] Aug., *De Gest. Pel.*, ii; *De Pec. Merit.*, i, 34; *Ret.*, 33.

[7] Possid., *op. cit.*, 7, 8; Aug., *Ep.*, 166.

that Jerome and Orosius contended. A council was held at Jerusalem under the Presidency of John in 415. John of Jerusalem and Jerome had been made enemies by the proceedings of the late Origenistic controversy and so it is not surprising to find John taking the side of Pelagius.[1] At the council Orosius acted as the champion for the orthodox. He read a statement of what had occurred at Carthage. He mentioned that Augustine was writing against the heresy and produced a letter from Augustine to Hilary of Syracuse against the doctrines of Pelagius.[2] Here we see a deliberate effort on the part of Augustine to control the Eastern situation; it, however, was not successful. Orosius was not well suited for his mission and Jerome was not the politician that Augustine was. As Orosius could speak no Greek, Pelagius who was well educated in that language was at an advantage. He showed his disregard for Augustine by replying when the bishop's authority was cited by Orosius: "What does Augustine matter to me?" The council decided to submit all of the testimony to Innocent of Rome. Orosius who had expected the condemnation of Pelagius was very much disgusted at this outcome and departed for the West.[3] Another council of December, 415, held at Diospolis in Palestine, was even less successful. At this the West was represented by bishops Heros and Lazarus. These men are rather vague historical figures. We learn that they were driven from their bishoprics of Arles and Aix because of the part they had taken in the usurpation of Constantine.[4] We have no definite statement as to why they appear in the East at this

[1] Aug., *De Gest. Pel.*, ii, 23.

[2] Orosius, *Liber Apologeticus pro Arbitrii Libertate,* which contains nearly all of our information regarding this council. Aug., *Ep.*, 156.

[3] Oros., *Lib. Apol.*, iv, 310.

[4] Duchesne *Fastes episcopaux,* i, 94, *cf. supra,* p. 129.

time. They held a conference with Orosius before he returned to Africa and then worked for the Augustinian cause in the conference at Diospolis. They were not well received,[1] and the council declared Pelagius worthy of communion, at which Jerome was greatly indignant. He applies to this synod the term "*Miserabilis.*" [2]

The unsatisfactory results of these eastern councils aroused the African clergy. Orosius had returned with the account of the failure of his efforts at Jerusalem and through him Heros and Lazarus made known the results of the council at Diospolis.[3] Africa realized that it must now consult with Rome and accordingly two synods,[4] the one of Carthage, the other of Milive, each confirmed the acts of the council of 411 against Celestius and sent letters to the Roman bishop Innocent treating of the Pelagian situation.[5] The letter of the Council of Carthage is more than a statement of the situation; it definitely and clearly outlines for the Roman bishop what his line of conduct in the matter should be. It is Africa admonishing Rome.

When, as was our custom, we had come solemnly to the church at Carthage and for various causes were holding a synod, our co-presbyter, Orosius, gave us the letters of the holy brothers, our fellow priests, Heros and Lazarus, whose statement we have determined to add to this. After reading these we perceived that Pelagius and Celestius, the guilty authors of the error, ought again to be anathematized by us all. Whence it

[1] Aug., *De Gest. Pel.*, i, 2; Jerome, *Ep.*, 143, 2. They were esteemed by Augustine (*Ep.*, 175, 1) but disliked by Zosimus of Rome (Jaffé, *op. cit.*, 330.

[2] Jerome, *Ep.*, 142.

[3] Aug., *Epp.*, 175, 1; 186, 2.

[4] Hefele, *op. cit.*, ii, 1; Aug., *Epp.*, 176, 5; 186, 2.

[5] Aug., *Epp.*, 175, 176.

was decreed that we seek to recount what was enacted nearly five years ago concerning Celestius by the Carthaginian council. This having been done, O holy brother, we felt that your Holiness ought to be informed that the authority of the apostolic see might be added to our mediocrity for guarding the safety of many and for correcting the perversity of others. Wherefore, even if Pelagius and Celestius should be corrected, or if they should declare that such has never been their opinion and dismiss all the writings imputed to them, and they could not be proven by evidence to have lied; nevertheless all men teaching or holding that the human nature is sufficient in itself for the escaping of sin and keeping the commandments of God and all men declaring themselves opponents of the doctrine of grace, to which the prayers of the saints have given such brilliant evidence, should be anathematized; also all those who deny that infants are delivered from perdition by the baptism of Jesus Christ or who hold that without this baptism they may obtain eternal life.[1]

Similar action was taken by the bishops at Milive. In a letter to Innocent they demand that he show his fidelity to the church and the apostolic see in the great danger that was threatened.[2] And that Innocent might be fully convinced of the seriousness of the pleas, five of the leading African bishops, including Aurelius, Augustine and Possidius wrote him a personal appeal.[3] They demand a remedy equal to the peril. They show the number of the followers of the new heresy in Africa and at Rome. They then try to show the Roman bishop the course he should pursue: "Either Pelagius ought by your Reverence to be called to Rome and diligently interrogated about grace, fate, sin, etc., or this should be treated of with him by letter. And if he be found to hold what the church and apostolic

[1] Aug., *Ep.*, 175. [2] *Ibid.*, 176.
[3] *Ibid.*, 177.

truth teaches, with no scruples on the part of the church and without ambiguity, let him be absolved and let truth rejoice in his cleansing. Let Pelagius anathematize his writings—or if he denies that they are his and says that his enemies wrote them, let the writings be anathematized and condemned by paternal authority and your sanctity."

Innocent, in response to these three letters,[1] approved in part the attitude of the African councils, though he was not certain as to whether there were heretics of this sort at Rome, and though it would be impracticable to cite Pelagius to Rome. However, until they should come to their senses, Pelagius and Celestius were to be excommunicated, *apostolici vigoris auctoritate*.[2] And Augustine, preaching on the twenty-third of September, 416, said:[3] "Already two councils have sent their decisions on those subjects to the apostolic see from which favorable answers have been received, the cause is finished." But such was not the case.

Early in the year 417 Innocent died and was succeeded by Zosimus. Celestius appeared personally at Rome and succeeded in winning the bishop to his support.[4] Zosimus, thereupon, despatched a letter to the African bishops justifying Celestius and blaming them for believing the testimony of Heros and Lazarus and even threatening them with excommunication and deposition.[5] Later he took a similar position regarding Pelagius. This called the African bishops again to action. A council assembled at Carthage in 418 and informed the Roman bishop that the

[1] Jaffé, *op. cit.*, 321-323; Aug., *Epp.*, 181-183.

[2] Aug., *Ep.*, 182, 6.

[3] Aug., *Serm.*, 131, 10.

[4] Jaffé, *op. cit.*; Zos., *Ep.*, 329; Aug., *De Pec. Or.*, 7, 8.

[5] Mansi, *op. cit.*, iv, 355; Zos., *Ep.*, ed. Jaffé, 330.

sentence of his predecessor, Innocent, would stand:[1] "We have decided that the sentence pronounced against Pelagius and Celestius by the venerable bishop Innocent shall stand until they shall have declared by a very definite confession that the grace of God, etc." Zosimus' response in his letter of March the twenty-first (418), was to the point:[2] "Our authority being such that no one may oppose our judgment, we have to do nothing except of our own will." Another council was called at Carthage for May the first, 418, which adopted eight canons anathematizing Pelagius and Celestius and confirming the position of Innocent.[3] The discussion grew very heated, the Roman representatives citing the canons of Nicea and the Africans disputing the authenticity of the redaction quoted. The result was a victory for Africa, for apparently the African Church had turned its attention to the other power at Rome. At least the Emperor took the matter up and condemned the heresy by an edict of the thirtieth of April, 418,[4] which later he strengthened by rescripts sent to the African bishops, Augustine and Aurelius. The one of the ninth of June, 419, to Aurelius, reads:[5]

It had long ago been decreed that Pelagius and Celestius, the authors of an execrable heresy, should as pestilent corrupters of Catholic truth, be expelled from Rome, lest they should pervert by their baneful influence the minds of the ignorant. In this our clemency followed up the judgment of your Holiness, according to which it is beyond all question that they were unanimously condemned after an impartial examination of their

[1] Mansi, *op. cit.*, iv, 376-378; *cf.* Aug., *De Pec. Or.*, 7, 8.

[2] Mansi, *op. cit.*, ii, 366; Hefele, *op. cit.*, ii, 1, 190.

[3] Mansi, *op. cit.*, iii, 810-823; iv, 377; Hefele, *op. cit.*, ii, 1, 190-196; Harduin, *op. cit.*, i, 926.

[4] Harduin, *op. cit.*, i, 1229 *et seq.*

[5] Aug., *Ep.*, 201, 1.

opinions. Their obstinate persistence in the offence having, however, made it necessary to issue the decree a second time, we have further enacted by a recent decree, that if anyone knows that they are concealing themselves in any part of the provinces and delay either to drive them out or to disclose them, he, as an accomplice, shall be liable to the punishment prescribed.

However, to secure the combined efforts of the Christian zeal of all men for the destruction of this preposterous heresy, it will be proper, most dearly beloved Father, that the authority or your Holiness be applied to the correction of certain bishops, who either support the evil reasonings of these men by their silent consent or abstain from assailing them with open opposition. Let your Reverence, then, by suitable writings, cause all bishops to be admonished, as soon as they shall know by the order of your Holiness, that this order is laid upon them, that whoever shall, through impious obstinacy neglect to vindicate the purity of their doctrine by subscribing to the condemnation of the persons before mentioned, shall, after having been punished by the loss of episcopal office, be excommunicated and banished from their sees for life. For, as, by a sincere confession of the truth, we ourselves, in obedience to the Council of Nicea, worship God as the Creator of all things, and as the Fountain of our imperial sovereignty, your Holiness will not suffer the members of this odious sect, inventing, to the injury of religion, notions new and strange, to conceal in writings privately circulated an error condemned by public authority. For, most beloved and loving father, the guilt of heresy is in no degree less grievous in those who dissimulate and thus support the error by not denouncing it, thus extending to it a fatal approbation.

The Emperor having condemned the heresy, Zosimus gave in to the African councils and anathematized Pelagius and Celestius and in an encyclic letter condemned their doctrines.[1]

[1] Mar. Merc., *Comm.*, 134.

Thus Pelagianism was officially destroyed in the occident, though by its persistence it caused new edicts in 419 and 421.[1] A sporadic outburst in a monastery in Africa caused Augustine to write his *Libri duo Gratia Christi et De Peccato Originali.* In Gaul they continued to cause trouble and furnish us later the basis for semipelagianism. In the East they were condemned by the Council of Ephesus in 431.

III

Pagans, Donatists, Manichaeans and Pelagians being disposed of, Augustine was destined in his last days to combat yet another enemy of his faith. And in this case the political situation led to the triumph of the enemy just as in the former it had turned to the profit of the orthodox. Arianism was at this time definitely the religion of the barbarians and the close of Augustine's career marks their invasions into Africa. Their first real triumph came when Augustine's disciple, Boniface, the militant champion of orthodoxy, married an Arian princess from the Spanish tribes.[2] Boniface, thereby, became an outcast from the ranks of the faithful and his camp became the place of refuge for all the discontented of whatever faith. Dissenters in great numbers flocked to his standards. Augustine, though old and feeble, took up the challenge. He began anew his conferences with heretical leaders. One was held with Pascentius at Carthage,[3] another with Maximinus at Hippo.[4] He wrote *Contra Maximinum* and *Sermo de Arianis.* However, he was too old to keep up the fight. He did not live to see the triumph of the enemy but died as the Vandals were besieging Hippo in the year 430.

[1] Aug., *Ep.*, 201.
[2] Possid., *op. cit.*, 17.
[3] Aug., *Ep.*, 220.
[4] *Ibid.*, 17.

With the death of the leader and the triumph of the Vandals, Augustine's political machine went to pieces. There was no longer need for the pretensions of the African Church and its councils. Yet Augustine's numerous combats left an abundant literature, which as a party of the renaissance of the twelfth century was to furnish the directing principles for the legal suppression of unbelief. Augustine's legal training and his strict adherence to a legal basis for all of his actions furnished principles which were eagerly seized upon by Western Europe with the revival of Roman law. We have seen how these principles had grown up. Their later use was not determined by any existing conditions. Actions which had been taken to fit a particular circumstance or case became principles applicable to all cases of heresy. It did not matter in what setting the words were used; it was sufficient to know that the greatest of the Fathers had said: "Let the lions now be turned to break in pieces the bones of the calumniators, and let no intercession for them be made by Daniel when he has been proven innocent."[1] Thus it was that Augustine's works became the great source of justification for intolerance.

[1] Aug., *Ep.*, 185, 2, 7; 5, 19.

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